European Commission

Environmental Impact Assessment of Projects

Guidance on Scoping

(Directive 2011/92/EU as amended by 2014/52/EU)

Environment

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A great deal of additional information on the European Union is available on the Internet.
It can be accessed through the Europa server (http://ec.europa.eu).

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GLOSSARY OF TERMS

Key terms used in the guidance documents are explained in the Glossary below.

Term	Explanation
2012 IA Study	Impact Assessment Accompanying the document Proposal for a Directive of the European Parliament and the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private Projects on the environment, SWD/2012/0355 final
Alternatives	Different ways of carrying out the Project in order to meet the agreed objective. Alternatives can take diverse forms and may range from minor adjustments to the Project, to a complete reimagining of the Project.
Baseline scenario	Description of the current status of the environment in and around the area in which the Project will be located. It forms the foundation upon which the assessment will rest.
Candidate Countries	Countries which are seeking to become Members States of the European Union.
Competent Authority (CA)	The authority which the Member States designate as responsible for performing the duties arising from the Directive.
Cumulative effects	Changes to the environment that are caused by an activity/project in combination with other activities/projects.
Developer	The applicant for a Development Consent on a private Project or the public authority which initiates a Project.
Development Consent	The decision of the Competent Authority or Authorities which entitles the Developer to proceed with the Project.
Effect/Impact	Any change in the physical, natural or cultural environment brought about by a development Project.
EIA Directive	European Union Directive 2011/92/EU, as amended by Directive 2014/52/EU on assessment of the effects of certain public and private Projects on the environment
EIA process (or EIA)	The process of carrying out an Environmental Impact Assessment as required by Directive 2011/92/EU, as amended by Directive 2014/52/EU on assessment of the effects of certain public and private Projects on the environment. The EIA process is composed of different steps: preparation of the EIA Report, publicity and consultation and decision-making.
EIA Report	The Environmental Impact Assessment Report is the document prepared by the Developer that presents the output of the assessment. It contains information regarding the Project, the likely significant effect of the Project, the Baseline scenario, the proposed Alternatives, the features and Measures to mitigate adverse significant effects as well as a Non-Technical Summary and any additional information specified in Annex IV of the EIA Directive.
Measures to mitigate (Mitigation Measures)	Measures envisaged to avoid, prevent or reduce any identified significant adverse effects on the environment
Measures to monitor (Monitoring Measures)	Procedures to keep under systematic review the significant adverse effects on the environment resulting from the construction and operation of a Project, and to identify unforeseen significant adverse effects, in order to be able to undertake appropriate remedial action.
Member States (MS)	Countries which are members of the European Union
Measures to compensate / offset (Compensatory Measures)	Measures envisaged to offset any identified significant adverse effects on the environment.
Non-Technical Summary	An easy-to-follow and understandable summary of the information included in the EIA Report addressed to a non-technical audience.
Project	The execution of construction works or of other installations or schemes, and/or other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.

Reasoned Conclusion	The explanatory statement made by the Competent Authority on the significant effects of the Project on the environment, based on the examination of the EIA Report and, where appropriate, on the results of its own supplementary examination.
Screening	The process of determining whether a Project listed in Annex II of the EIA Directive is likely to have significant environmental effects.
Screening Decision	Decision taken by the Competent Authority on whether a Project listed in Annex II will be made subject to the EIA procedure.
Scoping	The process of identifying the content and extent of the information to be submitted to the Competent Authority under the EIA process.
Scoping Opinion	The Competent Authority's decision on the Scoping process.

LIST OF ABBREVIATIONS

Key abbreviations used in the guidance documents are detailed in the list below.

Abbreviation	Full name
AA	Appropriate Assessment
Aarhus Convention	Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters
CJEU	Court of Justice of the European Union
EIONET	European Environment Information and Observation Network
EMIS	Environmental Marine Information System
EMODNET	European Marine Observation and Data Network
ePRTR	European Pollutant Release and Transfer Register
ESPOO Convention	Convention on environmental impact assessment in a transboundary context
GBIF	Global Biodiversity Information Facility
IED	Industrial Emissions Directive
INSPIRE	Infrastructure for Spatial Information in the European Community
IPCC	Intergovernmental Panel on Climate Change
MARS	Major Accident Reporting System
MSFD	Marine Strategy Framework Directive
PCI	Project of common interest
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
RBMP	River Basin Management Plans
SEA	Strategic Environmental Assessment
TEN-E	Trans-European Networks for Energy
TEN-T	Trans-European Networks - Transport
WFD	Water Framework Directive
WISE	Water Information System for Europe

PREFACE

In 2001, the European Commission published three EIA Guidance Documents concerning specific stages in the EIA process: Screening, Scoping, and Environmental Impact Statement Review. These documents have been updated and revised to reflect both the legislative changes brought about since the publication of the original guidance documents and the current state of good practice.

These three updated documents concern the following three specific stages of the EIA process:

- EIA Guidance Document on Screening;
- EIA Guidance Document on Scoping;
- EIA Guidance Document on the preparation of the EIA Report.

What is the aim of the Guidance Documents?

The aim of the Guidance Documents is to provide practical insight to those who are involved during these stages in the EIA process, drawing upon experiences in Europe and worldwide.

The Screening and Scoping EIA guidance documents aim to improve the decisions taken on the need for an EIA and the terms of reference on which the assessment is made. These two documents focus on getting the EIA process started well.

The preparation of the EIA Report guidance aims to help Developers and consultants alike prepare good quality Environmental Impact Assessment Reports and to guide competent authorities and other interested parties as they review the Reports. It focuses on ensuring that the best possible information is made available during decision-making.

Who can use the Guidance Documents?

The three EIA Guidance Documents are designed for use by competent authorities, Developers, and EIA practitioners in the European Union Member States and, where applicable, by Candidate Countries. It is hoped that they will also be of interest to academics and other organisations who participate in EIA training and education, to practitioners from around the world, as well as to members of the public.

Who prepared the Guidance Documents?

The original 2001 EIA Guidance Documents were prepared by Environmental Resources Management (ERM) under a research contract with the Directorate General for Environment of the European Commission. The revised 2017 EIA Guidance Documents have been prepared by Milieu Ltd and COWI A/S under a service contract specific contract number 070201/2016/729522/SER/ENV.D.1. to framework contract ENV.F.l/FRA/2014/0063 with the Directorate General for Environment of the European Commission.

How can I get a copy of the Guidance Documents?

Copies of the Guidance Documents can be downloaded from the website of the Directorate General Environment of the European Commission at http://ec.europa.eu/environment/eia/eia-support.htm.

EIA: concept and stages

The Environmental Impact Assessment (EIA) of Projects is a key instrument of European Union environmental policy. It is currently governed by the terms of European Union Directive 2011/92/EU, as amended by Directive 2014/52/EU on the assessment of the effects of certain public and private Projects on the environment (EIA Directive).

Since the adoption of the first EIA Directive in 1985 (Directive 85/337/EEC), both the law and EIA practices have evolved. The EIA Directive was amended by Directives 97/11/EC, 2003/35/EC, and 2009/31/EC. The Directive and its three amendments were codified in 2011 by Directive 2011/92/EU. The codified Directive was subsequently amended by Directive 2014/52/EU. This guidance document focuses on the modifications made to the EIA Directive since 2001, with a particular emphasis on the key changes brought about by the most recent 2014 amendment to the Directive, which Member States have to transpose into their national legal systems by 16 May 2017.

The EIA Directive requires that public and private Projects that are likely to have significant effects on the environment be made subject to an assessment prior to Development Consent being given. Development Consent means the decision by the Competent Authority or authorities that entitles the Developer to proceed with the Project. Before Development Consent can be granted, an EIA is required if a Project is likely to impact significantly upon the environment. Article 2(1) of the EIA Directive (see box below) sets out the Directive's overarching requirement.

Box 1: Directive 2011/92/EU as amended by Directive 2014/52/EU (extract)

Article 2(1)

Member States shall adopt all measures necessary to ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment.

The guidance documents in this series cover three stages involved in EIA: Screening, Scoping, and the Preparation of the EIA Report.

The 'Screening stage' ascertains whether the Project's effects on the environment are expected to be significant, i.e. the Project is 'Screened' to determine whether an EIA is necessary. Projects listed in Annex I to the Directive are automatically subjected to an EIA because their environmental effects are presumed to be significant. Projects listed in Annex II to the Directive require a determination to be made about their likely significant environmental effects. The Member State's Competent Authority make that determination through either a (i) case-by-case examination or (ii) set thresholds or criteria.

The 'Scoping stage' provides the opportunity for Developers to ask competent authorities about the extent of the information required to make an informed decision about the Project and its effects. This step involves the assessment and the determination, or 'scoping', of the amount of information and analysis that authorities will need.

The information relating to a Project's significant effects on the environment is gathered during the third stage: the preparation of the EIA Report.

These three stages are complemented by specific steps in the EIA process. This is defined in Article 1(2)(g) (see box below) which provides a definition of the Environmental Impact Assessment by describing the EIA process.

Box 2: Directive 2011/92/EU as amended by Directive 2014/52/EU (extract)

Article 1(2)(g)

For the purposes of this Directive, the following definitions shall apply:

[…]

(g) 'environmental impact assessment' means a process consisting of:

(i) the preparation of an environmental impact assessment report by the developer, as referred to in Article 5(1) and (2);

(ii) the carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;

(iii) the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer in accordance with Article 5(3), and any relevant information received through the consultations under Articles 6 and 7;

(iv) the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and

(v) the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a.

The figure below sets out an overview of the stages and steps usually taken when completing an EIA. As mentioned above, implementation arrangements for these stages may vary slightly between Member States, so care should be taken in this regard. The steps defined under Article 1(2)(g) are mandatory when undertaking an EIA. By comparison, undertaking the Screening and Scoping stages may not be required, depending on the nature of a Project or other circumstances: e.g. Screening is not necessary for Projects listed under Annex I to the Directive, and the Directive only foresees Scoping to be mandatory when it is requested by the Developer to the Competent Authority.


Screening
(as appropriate)
The Competent Authority makes a decision about whether EIA is required. At the end of this stage, a Screening Decision must be issued and made public.
Scoping
(as appropriate)
The Directive provides that Developers may request a Scoping Opinion from the Competent Authority which identifies the content and the extent of the assessment and specifies the information to be included in the EIA Report.
EIA Report
The Developer, or the expert(s) on his behalf, carries out the assessment. The outputs of the assessment are presented in the EIA Report which contains: information regarding the project, the Baseline scenario, the likely significant effect of the project, the proposed Alternatives, the features and Measures to mitigate adverse significant effects as well as a Non-Technical Summary and any additional information specified in Annex IV of the EIA Directive.
Information and Consultation
The Competent Authority makes the EIA Report available to authorities with environmental responsibilities, local and regional authorities and to other interested organisations and the public for review. They are given the opportunity to comment on the project and its environmental effects.
Decision Making and Development Consent
The Competent Authority examines the EIA report including the comments received during consultation and issues a Reasoned Conclusion on whether the project entails significant effects on the environment. This must be incorporated into the final Development Consent decision.
Information on Development Consent
The public is informed about the Development Consent decision.
Monitoring
(as appropriate)
During construction and operation phase of the project the Developer must monitor the significant adverse effects on the environment identified as well as measures taken to mitigate them.

GUIDANCE ON SCOPING

HOW TO USE THIS GUIDANCE DOCUMENT

This Guidance Document is one in a series of three Guidance Documents on EIA that has been published by the European Commission. This Guidance Document is about Scoping The other two guidance documents are concerned with Screening and with the preparation of the EIA Report.

This Guidance Document has been designed to be used throughout the European Union (EU) and cannot, therefore, reflect all of the specific legal requirements and practices of EIA in the different EU Member States. As such, any existing national, regional or local guidance on EIAs should always be taken into consideration alongside this document. Furthermore, the Guidance Documents should always be read in conjunction with the Directive and with national or local EIA legislation. Interpretation of the Directive remains the prerogative of the Court of Justice of the European Union (CJEU) solely and, therefore, case-law from the CJEU should also be considered.

The guidance is designed for use by various participants in the EIA process.

- **Project Developers and EIA practitioners:** Project Developers are responsible for submitting preliminary information to the competent authorities regarding the Project or a draft Scoping Report so that they are able to prepare a Scoping Opinion, following the requirements of the Directive as transposed to national legislation. Developers and the EIA practitioners should undertake Scoping at an early stage, so as to ensure that the EIA Report examines all of the relevant issues, irrespective of any legal requirement to undertake Scoping. Section B of this guidance document presents the different steps to be undertaken during Scoping. It reviews the requirements of Scoping in detail, and provides practical tips and good practices for carrying out each of the steps of the Scoping process.

- **Competent Authorities:** Competent Authorities might initiate Scoping if required by national legislation or may be requested by the Developer to prepare a Scoping Opinion. Their role may be to actually undertake the Scoping, to issue the Scoping Opinion or to comment and agree on a Scoping Report prepared by the Developer. Part B explains the Directive's requirements in this regard and provides some practical information about how the competent authorities can best carry out this role for each of Scoping's steps. In some EIA regimes, independent bodies have been set up to advise competent authorities while carrying out Scoping.

- **Consultees:** The Directive requires competent authorities to seek advice from relevant environmental authorities and local and regional authorities prior to giving a Scoping Opinion. In many cases, other interested parties and the general public are also given an opportunity to comment. Consultees will, therefore, be involved in commenting on the scope of the EIA Report. The value of public participation in the Scoping process is increasingly being recognised by competent authorities and by other participants in the EIA process within Member States. Early consultation with interested parties can be very valuable in avoiding later delays where new issues emerge from consultation meetings only after the EIA Report has been submitted. The Directive's requirements regarding Scoping consultation as well as good practice recommendations are presented in Step 4 of Part B of this guidance document.

The guidance document is comprised of three main sections:

- **Part A –The concept of Scoping.** This section introduces the concept of Scoping and the relevant provisions of the EIA Directive that govern its execution. The different steps of the Scoping process are also presented.

- **Part B – Practical guidance on Scoping.** The practical guidance is more hands-on and detailed on each of the steps of the Scoping process. It is aimed at providing an in-depth understanding of the specific, current legislative requirements regarding the execution of Scoping. It follows a step approach and provides information about how to carry out the required steps of Scoping, based on good practice from around the EU.

- **Part C – Scoping checklists.** The Scoping checklists are tools designed to help the user to identify important issues to be addressed in the EIA Report. The first checklist presents a series of questions regarding the Project's characteristics, while the second checklist focuses on the characteristics of the environment. These will aid the user to identify key impacts that may be triggered by the Project.

PART A – THE CONCEPT OF SCOPING

1 THE IMPORTANCE OF SCOPING

Scoping is an important stage that takes place early in the EIA process. It provides an opportunity for both Developers and the Competent Authority to determine those key environmental impacts and issues of concern that are likely to be of the utmost importance to the Project proposal's decision-making and eliminates those that are less of a concern. In other words, Scoping defines the EIA Report's content and ensures that the environmental assessment is focused on the Project's most significant effects on the factors listed in Article 3 of the Directive, and that time and money are not spent on unnecessary examinations. It also reduces the likelihood that competent authorities will need to request additional information from Developers after the Environmental Report has been prepared and submitted.

Articles 5(1) and 5(2) of the EIA Directive allow the Developer to request a Scoping Opinion from the Competent Authority, and set conditions in the event that this takes place.

While it is not mandatory for the Developer to request that the Competent Authority issue an opinion on the scope and level of detail of the information to be included in the EIA Report, this is strongly encouraged as it may bring several benefits. These are outlined in the box below.

Box 3: The benefits of Scoping in EIA

- **Identifies key issues to be addressed:** Scoping helps to ensure that the environmental information used for decision-making provides a comprehensive picture of the Project's important effects, including issues of particular concern to the groups and individuals affected.
- **Saves time and money**: Scoping helps focus resources on the important issues for decision-making and avoids wasted effort on issues of little relevance. In addition, it reduces the risk of delays caused by requests for further information after the submission of the Development Consent application and the provision of environmental information.
- **Stimulates early consultation:** A consultation session about the Project and its environmental impacts is carried out during Scoping, between the Developer and the Competent Authority, as well as with environmental authorities and local and regional authorities, other interested parties, and the public.
- **Sets appropriate time and space boundaries**: Scoping aids in effective planning, management, and with resourcing of the EIA Report. It can identify other legislation or regulatory controls that may be relevant to the Project and can provide opportunities for the necessary assessment work, for different control systems, to be undertaken in parallel, thereby avoiding the duplication of effort and costs for all concerned.
- **Helps to identify preliminary Alternatives and Mitigation Measures**: Scoping should identify preliminary Alternatives to the proposed Project as well as preliminary mitigating measures that ought to be considered by the Developer.

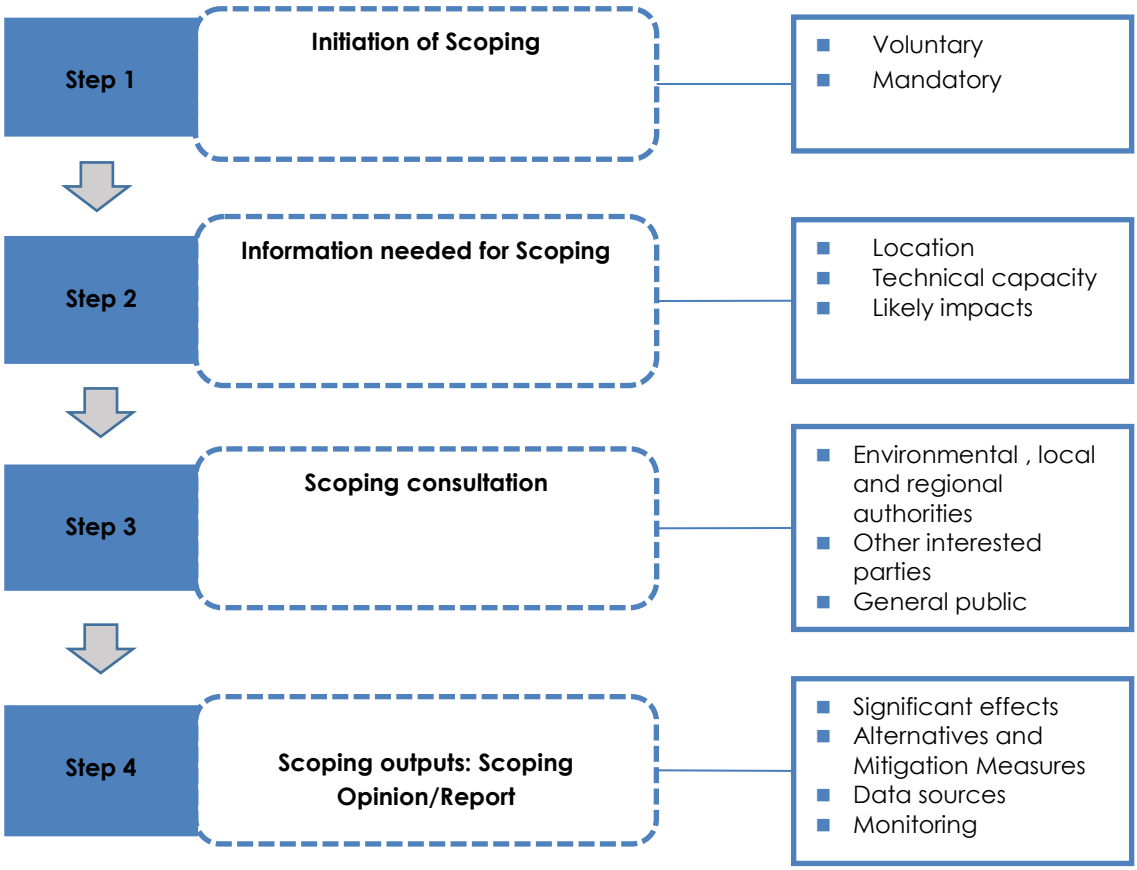
2 THE SCOPING PROCESS

Part B of the guidance will give practical recommendations about how to carry out Scoping in EIA effectively and efficiently. Scoping is divided into four steps, each of which is covered in detail in the four following sections:

- **Step 1 – Initiation of Scoping**: Scoping can either be initiated by the Developer requesting a Scoping Opinion from the Competent Authority (voluntary Scoping) or can be mandatory, given that some Member States have set provisions in national legislation requiring it. Voluntary and mandatory Scoping approaches, as well as the responsibilities of the actors involved, are presented under Section 1.
- **Step 2 – Information needed to undertake Scoping**: section 2 dealing with this step presents the information that the Developer must provide to the Competent Authority in order for them to prepare a Scoping Opinion. A checklist of this information is also proposed.
- **Step 3 – Scoping consultation:** section 3 dealing with this step presents some recommendations on how to carry out effective consultations with environmental authorities and local and regional authorities, other interested parties, and the general public during Scoping.
- **Step 4 – The Scoping outputs: The Scoping Opinion or Report:** section 4 describes the information that should be contained within the Scoping Opinion, as a basis for the EIA Report. Furthermore, it provides some methodological explanations of how to identify a Project's significant effects, Alternatives and Mitigation Measures, as well as possible data sources and Monitoring Measures in a preliminary way during Scoping.

These steps are illustrated in the figure below.

The steps of the Scoping procedure



Scoping provides an opportunity to open up a dialogue between the Competent Authority and the Developer about the Project and the issues it raises. In addition, it can be supplemented with consultations with the relevant statutory and non-statutory organisations and with the general public.

Although Scoping can be considered as a discrete stage in the EIA process, one which ends with the issuing of the terms of reference for the EIA Report, the activity of Scoping should continue throughout, so that the scope of work can be amended in light of new issues and new information. The scope of an EIA Report must be flexible enough to allow new issues, which may emerge either during the process or as a result of design changes or through consultations, to be incorporated.

It is important to remember that the Directive allows competent authorities to request additional information at a later stage in the EIA process, even where they did not request this information when they issued a formal Scoping Opinion. It is therefore important to keep the scope of the EIA in mind throughout the overall procedure.

PART B – PRACTICAL GUIDANCE AND RECOMMENDATIONS ON SCOPING

1 STEP 1 – INITIATION OF SCOPING

1.1 VOLUNTARY OR MANDATORY SCOPING APPROACHES

Scoping is not mandatory under the EIA Directive; however, Member States are required to introduce, as a minimum, a voluntary Scoping procedure in which the competent authorities are obliged to issue a Scoping Opinion if requested to do so by a Developer. The Scoping Opinion should identify the content and extent of the information to be elaborated in the EIA Report. This provision is contained in Article 5(2) (see box below).

Box 4: Directive 2011/92/EU as amended by Directive 2014/52/EU

Article 5(2)

Where requested by the developer, the competent authority [...] shall issue an opinion on the scope and level of detail of the information to be included by the developer in the environmental impact assessment report [...]

Member States may also require the competent authorities to give a Scoping opinion irrespective of whether the developer so requests.

The specific procedures to be followed when carrying out Scoping, under the terms of EIA legislation, vary between Member States and between different EIA regimes within Member States. It is generally implemented in two different ways by the Member States:

- A **voluntary Scoping approach** where the competent authorities are required to issue a Scoping Opinion only where one has been requested by the Developer; or
- A **mandatory Scoping approach** in which the Competent Authority is required to give an opinion on the scope of the EIA Report, irrespective of whether the Developer requests it or not, as provided for by the final part of Article 5(2).

In some Member States, a Developer may request a Scoping Opinion from the Competent Authority at the same time as requesting a Screening Decision. Such an approach can speed up the EIA process by reducing the need for a second round of consultations.

Box 5: Examples of voluntary and mandatory Scoping approaches in Member States

Scoping is mandatory in Member States that most recently joined the EU[1] with the exception of Cyprus, Slovenia and Croatia (cf. COWI (2009), Study concerning the report on the application and effectiveness of the EIA Directive, Final report).

Voluntary Scoping in Croatia

Article 86 of the Environmental Protection Act (EPA) (*Zakon o zaštiti okoliša*) ("O.G.", No. 80/13, 153/13 and 78/15) grants the right to the Developer to request the instructions on the content of the EIA study (now EIA Report), from the Competent Authority prior to its preparation. The procedure in such cases is set out in Article 28 – 30 of the EIA Regulation. According to these provisions, the Competent Authority carries out the consultation procedure with the relevant authorities and the public on the topic of the EIA Report's content. Following the procedure's completion, the Competent Authority is required to issue an instruction (Scoping Opinion) on the content of the EIA Report. This instruction does not prevent the Competent Authority from asking for additional things to be included in the further stages of the EIA procedure, according to Article 30(4) of the EIA Regulation.

Voluntary Scoping in UK

The EIA regulations provide an opportunity for the Developer to request a Scoping Opinion from the Competent Authority for those Projects that require planning permission. The Regulations require that the Competent Authority consult with the Developer and that the statutory consultees identify those issues that should be addressed in an EIA.

[1] Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Bulgaria, and Romania.

The Competent Authority has five weeks to produce the Scoping Opinion. Where this is not forthcoming within the five-week period, the Developer may request a "Scoping direction" from the Secretary of State or the National Assembly for Wales (NAW).

In practice, the Developer initiates Scoping by preparing a Scoping Report. This document is then submitted, alongside the request for a Scoping Opinion, to the Competent Authority. Even though such requests are voluntary on the Developer's part, they do trigger a formal regulatory process that the Competent Authority must then act upon.

Mandatory Scoping in Poland

In Poland, Scoping is obligatory for all screened-in Annex II Projects (Art. 63.4 and 69.2 of the Act on Providing Information on the Environment and Environmental Protection, Public Participation in Environmental Protection and on Environmental Impact Assessment dated 3 October 2008 (Journal of Laws of 2016, item 353)). Scoping is also obligatory in the case of Projects that are likely to have significant transboundary effects for Annex I Projects. In the case of Annex II Projects, the Competent Authority should specify whether the report is required and should define its scope within the same interim decision. The most significant environmental issues should be identified for these Projects during the Screening stage and the Scoping procedure is, in a way, an extension of the Screening stage.

Mandatory scoping in Hungary

The Hungarian Governmental Decree No. 314/2005 (the EIA Decree) establishes two procedures; the first is the Preliminary Assessment Procedure, which covers both the Screening and Scoping stages, and the second concerns the EIA procedure itself. The activities listed in Annex I to the EIA Decree require that the EIA procedure be carried out in its entirety. In this case, the competent environmental inspectorate determines key environmental issues to be assessed in the EIA Report during the Preliminary Assessment Procedure. Regarding activities listed in Annex III to the EIA Decree, a case-by-case decision by the competent environmental inspectorate determines the need for the EIA procedure during the Preliminary Assessment Procedure.

The general requirements of the EIA Report's content are described in Annex 6 to the EIA Decree. In all cases, the environmental inspectorate determines the EIA Report's content upon receiving the Preliminary Assessment Documentation from the Developer. The inspectorate consults the other concerned authorities (including the municipalities), other organisations as well as the public and takes their input into consideration when arriving at a decision about the EIA Report's content.

Environment Agency (2002), Environmental Impact Assessment (EIA), A handbook for Scoping Projects

UNECE (2010), Report on implementation of the ESPOO Convention on environmental impact assessment in a transboundary context.

Even though Scoping is not legally required by the EU legislation, it is still good practice and Developers should try to include a Scoping stage in their work programme for EIA, where appropriate.

Whether Scoping is carried out under a legal requirement or as an integral part of good practice in EIA, it can either be undertaken by the Competent Authority or by the Developer.

1.2 SCOPING BY THE COMPETENT AUTHORITY

Scoping may be undertaken by the Competent Authority or by an independent body, such as an EIA Commission (e.g. in the Netherlands or France), or by a panel of EIA experts (e.g. in Cyprus and in Italy) on the Competent Authority's behalf (more information on the Cypriot, Dutch, French, and Italian bodies and panels can be found in this series' Guidance Document on the Preparation of the EIA Report, under Part B, section 2.2.3). The Competent Authority will then issue a Scoping Opinion to the Developer; this comprises the terms of reference for the EIA Report. Prior to the finalization of the Scoping Opinion, the Competent Authority will consult the environmental authorities and local and regional authorities and may consult with other interested parties or with the general public.

When Scoping is led by the Competent Authority the process typically involves the following steps.

Box 6: Steps in Scoping by the Competent Authority

- The Developer is required to provide information to the Competent Authority about the Project and its location.
- The Competent Authority consults with environmental, local and regional authorities and possibly with other interested organisations and the general public to identify issues of concern.
- The Competent Authority issues a Scoping Opinion to the Developer.

1.3 SCOPING BY THE DEVELOPER

It may happen that the Developer decides not to request a Scoping Opinion from the Competent Authority. In these cases, Scoping could still be carried out with or without the formal involvement of the Competent Authority. It is good practice that the Developer prepares a draft Scoping Report and that they circulate it amongst consultees before it is finalised and issued as the agreed upon terms of reference for the EIA. The consultees may be limited to the environmental authorities and local and regional authorities or may include other interested parties and the general public.

When Scoping is led by the Developer, the process usually involves the following steps.

Box 7: Steps in Scoping by the Developer

- The Developer prepares a draft Scoping Report and decides whether to consult with environmental local and regional authorities, other interested parties and/or the general public, to identify concerns and measures in order to rectify them at a stage at which the changes can most readily be incorporated into the Project's design;
- Otherwise, the Developer may still wish to request the Competent Authority's involvement. The Developer prepares a draft Scoping Report and submits it to the Competent Authority for review and/or approval;
- The Competent Authority consults with other environmental, local and regional authorities and, possibly, with non-statutory bodies or with the general public for their views on the proposed scope;
- A finalised Scoping Report is agreed upon.

Regardless of whether Scoping is voluntary or mandatory, a proactive approach from the Developer, including the involvement of consultees in the process, can aid in the delivery of a robust and timely EIA Report. Ultimately, it can enable Projects to run more smoothly and, by ensuring that concerns have already been identified and addressed at the Scoping stage, it may limit the objections raised at a later stage.

1.4 STEP 1: IN A NUTSHELL

- Scoping can either be required by legislation or carried out on a voluntary basis. In either instance, the Developer may request a Scoping Opinion from the Competent Authority or prepare a Scoping Report of their own volition.
- If a Scoping Opinion has been requested, then the Competent Authority is required to consult the environmental local and regional authorities and other authorities concerned; if the Developer has prepared a Scoping Report of its own accord, he may decide to (a) consult the key stakeholder by its own volition directly or (b) submits it to the Competent Authority for review and approval.
- It is good practice to carry out Scoping even if it is not required by legislation: Developers should endeavor to include a Scoping stage in their work programme for EIA, so that all of the concerns can be identified and addressed during the Scoping stage.

2 STEP 2 – INFORMATION NEEDED TO UNDERTAKE SCOPING

2.1 LEGAL REQUIREMENTS ON INFORMATION NEEDED TO UNDERTAKE SCOPING

The Developer will have to provide the Competent Authority with some information on the Project in order to allow the Competent Authority to provide a Scoping Opinion. While this was considered to be a good practice in the past, the 2014 amendments Article 5(2) of the EIA Directive now make it a formal requirement in cases where Scoping is requested.

Box 8: Directive 2011/92/EU as amended by Directive 2014/52/EU

Article 5(2)

[*The Scoping Opinion is prepared by the competent authority*] taking into account the information provided by the developer in particular on the specific characteristics of the project, including its location and technical capacity and its likely impacts on the environment.

It is important that the Developer prepare a preliminary document that includes information on the Project's specific characteristics, including:

- The location;
- The technical capacity;
- A brief description of the Project's likely impacts on the environment.

This type of information is the same as the information that needs to be provided before screening can take place (see this series' Guidance Document on Screening), although more details are likely to be needed for Scoping, especially concerning the preliminary identification of the Project's likely impacts on the environment. The Developer may need to carry out preliminary data collection and field work at this stage, in order to help determine what the significant impacts of the Project are likely to be. As much information reasonably available at the time should always be provided. The aim is not to undertake the full EIA Report, but rather to obtain sufficient information to allow for a reasonable plan to be drawn up for the preparation of the EIA Report. The details of the information that can be requested will be set out in Member State legislation and national guidance documents.

2.2 CHECKLIST ON INFORMATION FOR SCOPING

More details on the types of information that may be useful for Scoping are given in the box below. It is important to bear in mind that this information can only be requested if the Developer can reasonably be expected to have it at that stage of the Project's development. Where gaps and uncertainties do exist, these should be identified and taken into account.

Box 9: Checklist on information for Scoping

- **Contact Details of the Developer**
  - Name of the company.
  - Main postal address, telephone, fax and e-mail details for the company.
  - Name of the main contact person and direct postal address, telephone, fax, and e-mail details.

- **Characteristics of the Project**
  - Brief description of the proposed Project.
  - Reasons for proposing the Project.
  - A plan showing the boundary of the development, including any land required temporarily during construction.
  - The physical form of the development (layout, buildings, other structures, construction materials, etc.).

- Description of the main processes including size, capacity, throughput, input, and output.
- Any new access arrangements or changes to existing road layout.
- A work programme for construction, operation, and commissioning phases, and restoration and after-use where appropriate.
- Construction methods.
- Resources used in construction and operation (materials, waster, energy, etc.).
- The relationship with other existing/planned Projects.
- Information about the Alternatives that are being considered.
- Information about mitigating measures which are being considered.
- Other activities which may be required as a consequence of the Project (e.g. new roads, extraction of aggregate, provision of new water supply, generation or transmission of power, increased housing and sewage disposal).
- Details of any other permits required for the Project.

Location of the Project

- Maps and photographs showing the location of the Project relative to surrounding physical, natural, and man-made features e.g. a water catchment area with any relevant national border.
- Existing land-uses on and adjacent to the site and any future planned land uses or for marine projects, existing or future projects on and adjacent to the site.
- Zoning or land-use policies.
- Protected areas[2] or features.
- Sensitive areas.
- Details of any alternative locations that have been considered.

Characteristics of the Potential Impact

- A brief description of the Project's likely impacts considering the following factors: impacts on people, human health, fauna and flora, soils, land use, material assets, water quality and hydrology, air quality, climate, noise and vibration, the landscape and visual environment, historic and cultural heritage resources, and the interactions between them.
- Nature of the impacts (i.e. direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative).
- Extent of the impact (geographical area, size of the affected population/habitat/species).
- Magnitude and complexity of the impact.
- Probability of the impact.
- Duration, frequency, and reversibility of the impact.
- Mitigation incorporated into the Project design to reduce, avoid or offset significant adverse impacts.
- Trans-frontier nature of the impact.

2.3 STEP 2: IN A NUTSHELL

The Developer will have to prepare a preliminary document containing some information on the Project's characteristics, in order to allow the Competent Authority to provide a Scoping Opinion; namely, details about:

- The location;
- The technical capacity;
- A brief description of the likely impacts of the Project on the environment.

The types of information that may be useful for Scoping are given in the checklist above.

[2] For marine protected areas, it could be useful to specify if they are protected under EU legislation, by Regional Sea Conventions or by national designation.

3 STEP 3 – SCOPING CONSULTATIONS

In cases where Scoping is required by national legislation, or where the Developer has requested a Scoping Opinion, the Directive further establishes specific consultation requirements.

Box 10: Directive 2011/92/EU as amended by Directive 2014/52/EU

Article 5(2)
[…] the competent authorities shall consult the authorities referred to in Article 6(1) before it gives its opinion.

Article 6(1)
Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities or local and regional competences are given an opportunity to express their opinion […] To that end, Member States shall designate the authorities to be consulted, either in general terms or on a case-by-case basis. The information gathered pursuant to Article 5 shall be forwarded to those authorities. Detailed arrangements for consultation shall be laid down by the Member States.

Strong communication channels between the Developer and the Competent Authority should be established when carrying out Scoping. However, when the EIA Report's scope has been determined by the Competent Authority or the Developer alone, then the resulting content of the assessment may miss some elements that are critical to the assessment. The involvement of a wide range of stakeholders and perspectives can be very important when preparing the Scoping Opinion.

The Directive sets minimum requirements for consultation, requiring that environmental authorities as well as local and regional authorities are given an opportunity to comment on the EIA Report's scope. In some Member States, EIA legislation extends consultation on Scoping to all interested parties, including the general public; while this is not required by law in others, it remains a good practice.

Box 11: Examples of public participation practices in Scoping in different Member States

In Hungary, depending on the project Scoping can be mandatory or voluntary. According to the Hungarian legislation in force (Governmental Decree No. 314/2005. (XII.25.)), **for Annex II projects** the Competent Authority determines whether the particular project should be made subject to an EIA procedure on a case-by-case basis (according to Article 4 (2) point a) to the EIA Directive). When the Competent Authority comes to the conclusion that an EIA is needed, it determines the scope and level of details that are to be included in the EIA Report, as well. This procedure is called Preliminary Assessment Procedure (*előzetes vizsgálat*) and considered to be a **mandatory** Screening and **Scoping** procedure. The Preliminary Assessment Procedure is completed by issuing the Screening Decision and Scoping Opinion of the Competent Authority.

Whereas for **Annex I projects** the Competent Authority gives a Scoping Opinion, in case the Developer so requests. This procedure is called Preliminary Consultation (*előzetes konzultáció*) and considered to be a **voluntary Scoping** procedure. The Preliminary Consultation is completed by issuing the Scoping Opinion of the Competent Authority.

For both the mandatory (Preliminary Assessment Procedure) and voluntary (Preliminary Consultation) Scoping procedures, the public is provided with possibilities for making comments and objections together with all the concerned special co-authorities (consulted and given the opportunity to express their opinion) and the licencing authority (entitled to ask for additional information from the Developer during the EIA procedure).

Wider Scoping consultation activities, although not a requirement, have been standard EIA practice in the UK for a number of years. Practitioners shared their experience and agree that consultation and engagement can provide substantial benefits to a Project, from the enhanced buy-in within stakeholder groups and the local community, to access to high quality local environmental information that would otherwise not have been available to the assessment. Where engagement is given a greater focus, there are opportunities to get local community members involved to an even greater degree, including providing input into design and access details, as well as by helping to develop Mitigation Measures that are more likely to be trusted and effectively implemented, given that they have community buy-in.

Scoping meetings are held with stakeholders, including NGOs and the Local Councils for Annex I Projects in Malta. The information made available to the public includes a Project Description Statement, site plan, photographs, and other relevant material. The duration of this public consultation phase is 21 days.

Justice & Environment (2012), The EIA in Selected Member States, Report and Case Studies

IEMA (2001), The state of environmental impact assessment practice in the UK, Special Report

COWI (2009), Study concerning the report on the application and effectiveness of the EIA Directive, Final report

In all forms of Scoping, consultation with environmental authorities, local and regional authorities, other interested parties, and the public form important parts of the process. Consultations during Scoping will help to ensure that all of the impacts, issues, concerns, Alternatives, and Mitigation Measures, which interested parties believe should be considered in the EIA, have been addressed.

The early involvement of stakeholders during Scoping has benefits for the Developer in terms of good public relations and in obtaining information about the local area. Moreover, by addressing concerns at the outset, there is less likelihood of the Project being delayed, at the decision-making stage for example, because important information has been overlooked.

3.1 WHO TO CONSULT

As seen above, the Directive requests that environmental authorities and local and regional authorities be afforded the opportunity to comment on the scope of the EIA Report. In addition, it is good practice for other interested parties and the public to also be involved in the Scoping consultation.

On the basis of national legislation, the Developer will have to identify those stakeholders who have an interest in the Project proposal under consideration and who will, therefore, be consulted in addition to the environmental authorities and local and regional authorities referred to in Article 6(1).

The Developer will need to identify:

- Who would potentially be affected;
- Who would accept/promote the Project;
- Who would be opposed to the Project;
- Who has been involved previously;
- Who is influential in the community.

Depending upon the responses, a wide range of organisations and individuals may be identified as stakeholders.

There are three main groups of organisations and individuals who may be appropriate to consult during Scoping. These are:

- environmental and local authorities (required by the Directive);
- other interested parties;
- the public and the public concerned.

The types of organisations to be included in these three groups are listed below. However, it is not a comprehensive list and the Developer and practitioners should always consider what types of local or national organisations it might be appropriate to consult for a particular EIA. It can be useful for those regularly involved in EIA to keep a list of consultees for reference.

Box 12: Checklist of consultees for Scoping

1. Environmental and other concerned authorities

- regional and local authorities.
- authorities responsible for pollution control including water, waste, soil, noise and air pollution.
- authorities responsible for protection of nature, cultural heritage and the landscape.
- health and safety authorities.
- land use control, spatial planning and zoning authorities.
- authorities in neighbouring countries where transboundary impacts may be an issue.

2. Other interested parties

- local, national, and international environmental and social interest groups.
- sectoral government departments responsible for agriculture, energy, forestry, fisheries, etc. whose interests may be affected.
- international and trans-frontier agencies whose interests may be affected e.g. cross-border river basin commissions.
- local employers' and business associations such as Chambers of Commerce, trade associations, etc.
- employees' organisations, such as trades unions.
- groups representing users of the environment, e.g. farmers, fishermen, walkers, anglers, tourists, local wildlife groups.
- research institutes, universities and other centres of expertise.

3. The public and the public concerned

- landowners and residents.
- general members of the local and wider public.
- elected representatives and community figures such as religious leaders or teachers.
- local community groups, resident's groups, etc.;

3.2 HOW TO CONSULT

Meeting with key stakeholders early in the Scoping process is a useful way to identify key issues, opportunities, and constraints, as well as the information that is both available and required. It should also help to identify other stakeholders that should be contacted throughout the process.

The level of consultation should be proportional to the potential significance of the Project's impacts. Those undertaking consultations should identify stakeholders, and the most effective means of stimulating responses from them, and should draw up a communication plan.

Environmental, local and regional authorities are generally provided with the draft Scoping Opinion and invited to make comments. Alternatively, meetings and workshops could be organised between the competent authorities, the Developer, and the environmental, local and regional authorities.

It is good practice to make information about the Scoping process, and a preliminary draft of the Scoping Opinion, available to the public. This may be facilitated by a range of means, for example:

Box 13: How to publicise the Scoping process

- initial announcements about the Scoping process in local or national newspapers.
- posting notices announcing the Scoping process at the site, in the neighbouring area, and at the offices of local authorities.
- preparing a leaflet or brochure about the Project, providing some details about what is being proposed with a plan or map, describing the EIA process, and the purpose of Scoping, and inviting comments.
- publication of articles in newspapers, on radio or on television.
- publication on internet of all of the above whenever possible.

Once the information is made available, consultation with other interested parties and the general public could be carried out at different degrees of engagement and dialogue: simply inviting them to express their comments on the draft Scoping Opinion, or seeking their involvement through the organization of face-to-face meetings, as outlined in the box below.

Box 14: Different degrees of engagement and dialogue during Scoping consultations	
Submitting comments	■ the Competent Authorities or the Developer publish a draft Scoping Opinion for review and comment before completing the process. ■ the competent authorities or the Developer distribute letters or questionnaires to potentially interested organisations, and to nearby residents, requesting information and comments on the proposals (this is often a good starting point for Scoping if the number of interested people and organisations is large).
Face to face meetings	■ **public meeting** or an exhibition (it may be helpful to invite an independent person to chair public meetings; an exhibition may be preferable to a public meeting as people who are nervous about standing up and speaking at a public meeting may feel more comfortable speaking to someone on a one-to-one basis at an exhibition. Meetings can also be dominated by a few vocal attendees and might not allow the full range of issues or even the most important issues to be expressed). ■ Telephone or video discussions or **meetings** with key organisations, groups or individuals. ■ establishing an expert or community based **Scoping Group** who will continue to oversee the EIA Report throughout the process (this can be useful for Projects where the issues are complex or where the Project is at an early stage in the planning process and the significance of issues is unclear). ■ a **Scoping Workshop** at which participants work together through a structured programme to identify matters to be addressed by the EIA process (this can be particularly helpful if the issues are complex and there are several groups interested in the proposals; an independent facilitator can also be useful in ensuring workshops are successful).

A range of different approaches can be used in most EIAs to suit the different types of organisations and individuals involved and the degree of interest in the Project. However, an effective consultation process in Scoping will typically follow the steps presented in the following box. These steps will have to be discussed with the competent authority at the initiative of the developer.

Box 15: Typical good practice in Scoping consultations

- Set up a list of organisations and individuals who are interested in the Project and update this as the Project develops.
- Contact each consultee to request their help in Scoping.
- Send them information about the Project in the form of a well-produced leaflet or brochure. Give contact details for information and comment(s).
- Make the leaflet widely available in local centres (libraries, town halls, post offices); possibly provide a copy to every household and business in the area.
- Collate and analyse all responses and take them into account in planning the EIA Reports.
- Write back to each respondent, thanking them for their help and explaining how their comments have been addressed.
- If appropriate arrange to telephone or meet them in person to discuss the issues they raise.
- If there is considerable local interest, consider holding a public exhibition (in a hall or a mobile caravan) or a community meeting at which the Project will be presented and staff will be on hand to answer questions.
- If there are several groups with a common interest, consider setting up a special forum for them to meet you at regular intervals.
- If the EIA process is lengthy, issue a regular newsletter to keep consultees up to date with what is happening.
- Always record the views expressed in consultations in the EIA Report.

All of the participants involved in Scoping should be invited to comment on the Project's design, on its potential environmental impacts and their mitigation, and about any Alternatives that they consider should be investigated. The general public is also an invaluable source of local knowledge and asking them about any information they have about the local area, and on any special locale-specific issues, can be very useful.

3.2.1 Essentials for effective Scoping consultation

Whichever method of consultation is employed, it is important to:

- provide enough information about the Project for consultees to understand what is being proposed and to identify potential issues;
- make clear to participants that the Scoping process is about hearing and understanding their views, not about selling the Project;
- provide sufficient time for consultees to respond to requests for views and information;
- reassure consultees that any views that they express at the Scoping stage will not preclude them from making further comments and, possibly, objecting at a later stage in the EIA process;
- ensure that the views expressed are taken into account, and are seen to be taken into account, in the planning and preparing of the EIA Report and that an explanation is provided if recommendations are not followed.

Although this is not required by the Directive, one effective way of ensuring that participants understand how their views have been addressed is to summarise the results of the Scoping process in the EIA Report.

3.2.2 Constraints on Scoping consultations

For some particularly sensitive and confidential Projects, or those for which wide consultation may result in the loss of a competitive advantage, it may be necessary to restrict the range of consultations to the Competent Authority and the statutory environmental consultees exclusively. This will not be permissible in EIA regimes for which prior notification and Scoping are mandatory stages in the EIA process and would not be considered to be a good practice more generally. However, where it is an option, non-statutory organisations and other interested parties, including the public at large, should be invited to comment as early as possible in the assessment's later stages.

3.3 STEP 3: IN A NUTSHELL

- The Directive sets minimum requirements for consultation, requesting that environmental authorities and local and regional authorities are given an opportunity to comment on the scope of the EIA Report.
- In some Member States, EIA legislation extends consultation to all interested parties including the general public, while in others this is not required by law, but it remains a good practice.
- Consultations during Scoping will help to ensure that all of the impacts, issues, concerns, Alternatives, and Mitigation Measures that interested parties believe should be considered in the EIA are addressed.
- The Developer and practitioners should always consider what types of local or national organisations it might be appropriate to consult with for a particular Project.
- To effectively involve other interested parties and the general public, the information about the Scoping process and a preliminary draft of the Scoping Opinion should be made publicly available. Secondly, they should be given the opportunity to submit their comments. Alternatively, face-to-face meetings could be organised to seek their feedback.

4 STEP 4 – THE SCOPING OUTPUTS: THE SCOPING OPINION/REPORT

4.1 THE CONTENT OF THE SCOPING OPINION/REPORT

In cases for which Scoping is required by national legislation, or where the Developer has requested a Scoping Opinion, the Directive further establishes that the EIA Report must follow the Scoping Opinion's indications. While this has shown itself to be a good practice in the past, it is now formally required by Article 5(1) of the Directive.

Box 16: Directive 2011/92/EU as amended by Directive 2014/52/EU

Article 5(1)
[…] when an opinion is issued, the environmental impact assessment report shall be based on that opinion […]

The purpose of Scoping is to identify those matters that should be covered in the EIA Report that is prepared by the Developer and submitted to a Competent Authority and, in particular, to identify the matters which are most important, so that these can be addressed in greater detail. Scoping should ensure that all of the relevant issues are identified and addressed in an appropriate manner in the EIA Report and, at the same time, that unnecessary issues are disregarded.

By investigating its most important aspects, the Scoping Opinion or Report can help, as a matter of good practice, to define the EIA Report's Terms of Reference and the level of detail of the information necessary for the assessment; in so doing, it also gives an indication of the time needed to prepare the EIA Report and its possible length.

Given that there are no formal requirements regarding the content of the Scoping Opinion or Report in the Directive, the format and detail of these documents will vary. However, in principle, a Scoping Opinion or Report should identify the content and extent of the information to be provided to the Competent Authority by the Developer. An example of the content of a Scoping Opinion is presented in the box below.

Box 17: Content of a Scoping Opinion: an example

- Introduction: background and purpose of the Scoping Opinion.
- Description of the site.
- Description of the proposed development Project:
  - objectives and needs of the Project;
  - physical characteristics of the Project (nature, size, hazard, etc.).
- The identification of main significant effects:
  - Description of the Scoping methodology.
  - Identification of the effects on the receiving environment (for each relevant environmental receptor: e.g. air quality, natural heritage, water, etc.):
    - Introduction.
    - currently known Baseline.
    - key effects identified.
    - possible Alternatives.
    - assessment methodology for in depth significance assessment to be used in the EIA Report.
    - possible mitigation and compensation measures.
    - possible Monitoring Measures.
- Conclusions:
  - Summary.
  - Provisional Terms of References for the EIA Report.

When preparing a Scoping Opinion, competent authorities should consider the Directive's requirements regarding the information to be provided by the Developer in the EIA Report, as set out by Article 5(1) and Annex IV of the Directive.

Scoping is primarily focused on identifying the most significant effects, to be assessed in-depth at a later stage, and on determining the scope and level of detail of information to be provided in the EIA Report; however, it may also address other additional matters. The following box presents all of the aspects that should be considered when carrying out Scoping/preparing the Scoping Opinion/Report.

Box 18: Aspects to be considered during Scoping

- the baseline studies required to understand the existing environment's status;
- any special requirements for baseline studies regarding their geographical extent or timing, e.g. because of seasonal changes in fauna and flora;
- the types of Alternatives that ought to be considered;
- the level of detail of investigations required;
- the methods to be used to predict the magnitude of environmental effects;
- the criteria against which the significance of effects should be evaluated;
- the types of Mitigation Measures to be considered;
- organisations to be consulted when assessing environmental impacts
- the membership and management of the experts or team of experts that will prepare the EIA Report;
- the workplan and resourcing for the assessment of environmental impacts.
- for projects that require both EIA and AA, the possibility of streamlining the Scoping procedures should be considered as a good practice (see the Annex to this Guidance Document on Links with Other EU Instruments).

In most cases, the structure of the Scoping Opinion or Report should be similar to that of the EIA Report, but its contents will be much less detailed. In addition, a Scoping Opinion or Report can also be used in the subsequent review of an EIA Report, in order to check that the issues, considered to be significant at the outset of the EIA process, have been addressed.

The following sections provide some recommendations to the Competent Authority and to the Developer on how to consider some of the aspects mentioned above when preparing the Scoping Opinion or Report.

In particular, some methodological tools are provided to help the Competent Authority and the Developer answer some preliminary questions at the Scoping stage, which will then be systematically answered during the preparation of the EIA Report (see this series' Guidance Document on the Preparation of the EIA Report). The preliminary questions are:

- What effects could the Project have on the environment?
- Which of these effects are likely to be significant and therefore need particular attention in the EIA Report?
- Which Alternatives and Mitigation Measures ought to be considered in developing the proposals for the Project?
- What data sources are available to assess the environmental effects?
- Which Monitoring Measures should be considered?

4.1.1 Step 4a – Identifying significant effects

Assistance from the checklists

Environmental effects can be characterised as interactions between some of the Project's features and some of the surrounding environment's features. The Checklist in Part C of this guidance is designed to help to identify such interactions.

Part 1 of the Checklist - 'Questions on Project characteristics' - provides a list of possible Project characteristics that could give rise to environmental effects. The user is prompted to first consider whether the Project is expected to involve any of the activities or features listed in the checklist and, second, to answer using one of three responses provided in Column 2:

- Yes - if the activity is likely to occur;
- No - if the activity is not expected to occur;
- ? - if it is uncertain whether the activity will occur or not.

If the answer to any question is 'Yes', then the user considers which characteristics of the surrounding environment could be affected by that activity.

The second part of the Checklist - 'Characteristics of the Project environment' - is designed to help the user to think through this stage. The results can be entered in Column 3 of the first checklist, creating a list of all of the Project's potential effects.

The environmental information provided by the Developer to the competent authorities must address all of the effects mentioned in this checklist. However, resources are usually limited and it is, therefore, important that the assessment of environmental information focus on those issues that are important for decision-making regarding the Project, and are not burdened with irrelevant detail about less significant issues.

Identifying what is important at the Scoping stage can, however, be difficult as it requires decisions to be made about what is likely to be significant before any detailed assessment on the environmental effects of a Project has been undertaken.

The concept of 'significant effects'

While a Project's significant effects on the environment have likely already been considered at the Screening stage of EIA (see this series' Guidance Document on Screening), it is during Scoping that the Competent Authority or the Developer has to provide more insight into which impacts are really important, need to be included, and assessed further in the EIA Report.

The assessment of significant effects (or impacts) is an essential concept of the EIA Directive. It limits the consideration of the effects or impacts a Project may have on the environment to those which are significant or important enough to merit the costs of assessment, review, and decision-making. While the concept of significant effects is referred to several times in the EIA Directive (see box below), no clear definition is provided and significance has to be assessed in light of the Project's specific circumstances.

Box 19: Directive 2011/92/EU as amended by Directive 2014/52/EU

Article 2(1)

(1) Member States shall adopt all measures necessary to ensure that, before development consent is given, projects *likely to have significant effects* on the environment, by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment.

Article 3(1)

(1) The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the *direct and indirect significant effects* of a project on a range of factors.

Article 5(1)

(1) The developer shall include in the EIA Report at least:

(a) a description of the *likely significant effects* of the project on the environment.

Annex IV(5) expands further by listing the types of sources/factors that may cause *likely significant effects*.

While the concept of 'significant effects' remains largely undefined, certain common characteristics are associated therewith, as shown in the box below.

Box 20: The concept of 'significant effects'

The assessment of significance relies on informed experts' judgements about what is important, desirable or acceptable with regards to changes triggered by the Project in question. These judgements are relative and must always be understood in their context:

- They are *value-dependent*: while judgements are, in most cases, informed by scientific data (e.g. regarding the type of impact being examined), they are subjective to some degree as they are the opinion of one practitioner or by a team of practitioners. Experts' judgements vary, depending on the perspective (legal or institutional recognition, political or public recognition), deemed to be important professionally.
- They are *context-dependent*: judgements are made within the socio-cultural, economic, and political contexts of a Project. A thorough understanding of contextual factors (e.g., local ecological, social, and cultural conditions, judgements in related decision-making areas), likely to influence judgements' significance, is essential when identifying a Project's impact on the environment.

At present, there is no international consensus among practitioners on a single or common approach for assessing the significance of impacts. This makes sense considering that the concept of significance differs across the varying political, social, and cultural contexts that Projects face.

Nevertheless, the determination of impacts' significance can vary considerably, depending on the approach and methods selected for the assessment. The choice of appropriate procedures and methods for each judgement varies depending on the Project's characteristics. Several methods, be they quantitative or qualitative, can be used to identify, predict, and to evaluate the significance of an impact.

As a good practice, all assessment methods should define clear thresholds or criteria for determining whether an impact is significant, based on the characteristics of an impact, in a clear and unambiguous manner that can be understood by anyone reading the EIA Report.

Methodology: thresholds of significance

Significant impacts can be determined using thresholds to understand the degree of change in the receiving environment. A threshold can be defined as a quantitative or qualitative standard against which the significance of a given environmental effect may be determined. Thresholds are generally derived from scientific knowledge and are frequently included in regulatory standards.

Thresholds can help to determine the significance of environmental effects, but are not necessarily certain. While it is easy to quantify how they perform against a legislative or scientific standard, some effects (such as changes in traffic volumes or noise levels), for others, such as wildlife habitats, it is difficult to quantify this and qualitative descriptions must be relied upon. In any case, thresholds should be based on legal requirements or scientific standards that indicate a point at which a given environmental effect becomes significant.

If no legislation or scientific standards are available, the EIA practitioners can then evaluate impact significance in a more subjective way by using the multi-criteria analysis method.

Methodology: multi-criteria analysis

A common approach used in EIA is the application of a multi-criteria analysis. Common criteria used to evaluate significance include the magnitude of the predicted effect and the sensitivity of the receiving environment:

- **Magnitude** considers the characteristics of the change (timing, scale, size, and duration of the impact) which would probably affect the target receptor as a result of the proposed Project.
- **Sensitivity** is understood as the sensitivity of the receiving environment to change, including its capacity to accommodate the changes the Projects may bring about.

'Magnitude' and 'sensitivity' are both used as descriptors for a wide range of different factors; these two criteria, their components, and practical examples thereof are all presented in the box below.

Box 21: Criteria for assessing significance

Criteria	Components of criteria	Description and examples
Sensitivity of the receiving environment	Existing regulations and guidance (law, programmes, guidelines, zoning)	There are specific receptors in the impact area which have some level of protection, either by law or other regulations (e.g. prohibition against polluting groundwater and Natura 2000 areas) or whose conservation value is increased by programmes or recommendations (e.g. landscapes designated as nationally valuable). The receptors mentioned in the Directive (Article 3 and Annex IV.4) are: population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage, and the landscape.
	The value of the receptor to the society (recreational values, natural values, number of affected people)	Depending on the type of impact, it may be related to economic values (e.g. water supply), social values (e.g. landscape or recreation) or environmental values (e.g. natural habitat).
	Vulnerability to the changes (ability to tolerate changes, number of sensitive targets)	Vulnerability to the change describes how liable the receptor is to be influenced or harmed by pollution or other changes to its environment. For instance, an area that is quiet is more vulnerable to increasing noise than an area with industrial background noise.
Magnitude of the impact	Intensity and direction	Intensity describes the physical dimension of a development and direction specifies whether the impact is negative ("–") or positive ("+"). Depending on the type of impact, intensity can often be measured with various physical units and compared to reference values, such as the decibel (dB) for sound.
	Spatial extent (geographical area)	Spatial extent describes the geographical reach of an impact area or the range within which an effect is observable.
	Duration (reversibility, timing, periodicity, and regulatory)	Duration describes the length of time during which an impact is observable and it also takes other related issues, such as timing and periodicity, into account.

Scottish Natural Heritage, A handbook on environmental impact assessment: Guidance for Competent Authorities, Consultees and others involved in the Environmental Impact Assessment Process in Scotland; IMPERIA Project, available at: https://www.jyu.fi/bioenv/en/divisions/ymp/research/imperia-Project.

Describing impacts in terms of the above criteria provides a consistent and systematic basis for the comparison and application of an expert judgement.

Answers to the questions of the checklists on the characteristics of the Project and its environment (see Part C) will provide sufficient information to describe the sensitivity of the receiving environment and the magnitude of the impacts of a Project. In addition, the following questions can be answered to determine the significance of an impact:

Box 22: Questions to assess the significance of impacts

- Is there a risk that environmental standards will be breached?
- Will many people be affected?
- Will many receptors of other types (fauna and flora, businesses, facilities) be affected?
- Will valuable or scarce features or resources be affected?
- Is there a risk that protected sites, areas, features will be affected?
- Will it be difficult to avoid, reduce, repair or compensate for the effect?
- Will there be a large change in environmental conditions?
- Will new features be out-of-scale with the existing environment?
- Will the effect be unusual in the area or particularly complex?
- Will the effect extend over a large area?
- Will there be any potential for trans-frontier impact?
- Will the effect continue for a long time?
- Will the effect be permanent, rather than temporary?
- Will the impact be continuous rather than intermittent?
- If it is intermittent, will it be frequent rather than rare?
- Will the impact be irreversible?

Once the environmental sensitivity and impact magnitude have been described, the next step is to scale and weight the two criteria by means of a matrix, in order to determine how significant the predicted impacts will be. Two examples of matrices are presented below.

Box 23: Example of scale of sensitivity of the receiving environment

High	High importance and rarity, national scale, limited potential for substitution and low capacity to accommodate proposed form of change
Medium	Medium importance and rarity, national scale and limited potential for substitution. The receiving environment has some tolerance of the proposed change subject to design and mitigation
Low	Low or medium importance and rarity, local scale. The receiving environment is tolerant of the proposed change subject to design and mitigation

Box 24: Example of scale of magnitude of the impact

Major	Loss of resource and/or quality and integrity of resource over a significant area; severe change/damage to key characteristics, features or elements for more than 2 years
Moderate	Loss of resource, but not adversely affecting the integrity over a significant area; partial loss of/damage to key characteristics, features or elements, for more than 6 months but less than 2 years
Minor	Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements

These two matrices on sensitivity and magnitude can be combined to compile a simple matrix of significance as shown in the table below.

Box 25: Assessing significance

Impact magnitude	**Environmental sensitivity**		
	High	*Medium*	*Low*
Major	High	High	Moderate
Moderate	High	Moderate	Minor
Minor	Moderate	Minor	Negligible

The impacts are individually ranked for their significance on the basis of the sensitivity of the environment and the magnitude of the change: a high environmental sensitivity and major magnitude of change would result in a high significance of the impact. The construction of the matrix, for

weighting the significance of the impact, should be adapted to fit individual cases.

While magnitude is determined by empirical prediction, sensitivity involves more subjective judgments in terms of how a certain environmental receptor is valued in the society. Some discretion from the expert is, therefore, required in assigning different weight to the criteria.

The assessment of the Project's future impacts might involve various uncertainties. A more risk-based approach can be used to assess significant effects when there is uncertainty about the receiving environment. This approach takes the likelihood that the impact will occur in the future into account, in addition to both the magnitude and the sensitivity of the receiving environment.

Two aspects of likelihood are probability and confidence:

Box 26: Aspects of likelihood

Likelihood	Example
The **probability** of an effect occurring, which may range from certainty to a remote possibility. Is there a high probability of the effect occurring?	An accident at power plant could be catastrophic for the environment, but the probability of it occurring may be very small. Typically, this issue is related to the uncertainty about the future conditions and external influences.
The assessor's **confidence** in judgments made about the sensitivity or value of the receiving environment. How confident am I regarding the value attached to the receptor that may be affected?	The potential for significant buried archaeological findings to be found is low; therefore, significant effects (on this receptor) are unlikely. Typically, this issue is related to the assessment of imprecision related to the evaluation; due to a lack of baseline information and imprecise models for example.

IEMA Quality Mark Article: 'What are the changes of that' – Probability and its Role in Determining Impact Significance;
ARVI tool developed by the IMPERIA Project.

The Scoping Opinion or Report should clearly set out the methodological considerations and the reasoning behind the preliminary experts' judgements regarding the significance of an impact identified, so that others can see the weight attached to different factors and can understand the rationale of the assessment.

While the experts' opinion is central to determining the significance of impacts, it is important that they make the process of determining the significance of impacts more explicit, open to comments and public input, and that they take different stakeholders' perspectives on the value attached to a specific environmental recipient and on what significance means while performing the multi-criteria analysis (see the section on Scoping Consultation) into account.

4.1.2 Step 4b – Identifying Alternatives and Mitigation Measures

Alternatives are essentially different ways in which the Developer can feasibly meet the Project's objectives, by carrying out a different type of action, choosing an alternative location or adopting a different technology or design for the Project for example. Alternatives may end up becoming part of the Project's final design, or its methods of construction or operation, in order to avoid, reduce or remedy environmental effects.

While a full study of Alternatives has to be carried out as part of the preparation of the EIA Report (see this series' Guidance Document on the Preparation of the EIA Report); it is often good practice to identify preliminary Alternatives during Scoping stage. Ideally, Alternatives should be identified as

early in the Project development process as possible, while it is still possible to alter the Project. Early identification of Alternatives can also allow for more efficient data collection.

Alternatives and mitigation can, therefore, range from a high level to very detailed aspects of Project design. Different types of Alternatives that can be considered are provided in the box below:

Box 27: Types of Alternatives and Mitigation Measures

Alternatives and mitigation can range from a high level to very detailed aspects of Project design:

- Alternative strategies e.g. to manage demand or reduce losses rather than develop a new resource;
- Alternative sites or routes for all or part of the Project;
- Alternative technologies and raw materials e.g. construction of a combined cycle gas turbine power plant rather than a coal fired power station;
- Alternative layouts or designs e.g. locating noisy activities away from sensitive receptors or replacing one large stack for gaseous emissions with two smaller ones;
- Alternative environmental measures e.g. construction of an ecoduct (Ecoduct is a structural means by which animals can safely traverse human constructions and barriers) to ensure safe passage of wildlife across a motorway, rather than the establishment of compensatory habitat.

The box below provides a useful list to bear in mind when thinking about the different types of Alternatives and Mitigation that a Developer should consider as early as the Scoping stage.

Box 28: Points to consider when identifying Alternatives and Mitigation Measures during Scoping

- Measures to manage demand for goods or services.
- Measures to conserve or reduce wastage of resources.
- Different approaches to meeting demand.
- Locations or routes.
- Processes or technologies.
- Working methods.
- Site plans and layouts.
- Design of structures.
- Types and sources of materials.
- Product specifications.
- Timetable for construction, operation, and decommissioning including any phasing of the Project.
- Start and finish dates.
- Size of the site or facility.
- Level of production.
- Responsibilities for implementation.
- Pollution controls.
- Waste disposal arrangements including recycling, recovery, reuse, and final disposal.
- Access arrangements and routes for traffic to and from the site.
- Ancillary facilities.
- Management methods and systems.
- Environmental management responsibilities and procedures.
- Employment and staff training.
- Monitoring and contingency plans.
- Decommissioning arrangements, site restoration, and after-use.
- Do-nothing scenario or do-minimum Alternative.

4.1.3 Step 4c – Collecting data

When issuing a Scoping Opinion or Report, the Developer and the practitioners should be aware of what data can be feasibly collected during the preparation of the EIA Report. Data should be collected and interpreted by the relevant experts, and, if highly technical data are used, then data should be

verified for accuracy of interpretation and relevance. Where no such experts are available in-house, external experts should be used. Experts may also be found at the local level, given that communities may have local knowledge.

Data may be difficult to find; in some cases, proxy indicators can be used that can help to understand the environmental situation in other ways. For example, a lack of air quality monitoring data from an urban area could be resolved if there are data outlining trends in traffic flows/volumes over time, or trends in emissions from stationary sources. Assumptions about the environment can be generated from other available data and can be useful in determining the relevance of impacts. Data can also be collected under other EU legislation – for example a monitoring programme must be established which can be another data source under the Habitats Directive, Marine Strategy Framework Directive, or Water Framework Directive (see the Annex to this Guidance Document on links with other EU instruments).

Practitioners should be aware that data sources may differ from case to case, and the most high-tech or extensive collection method may not be the best one. In some cases, desk research may be more effective than field surveys, and Google Earth may be just as useful as satellite imagery that has been purchased.

In many Member States, data are collected either nationally or regionally, and include not only data from EIAs, but also from other environmental assessments and monitoring schemes. This practice is also encouraged by other EU level guidance documents (e.g. European Commission, 2016, Commission guidance document on streamlining environmental assessments conducted under Article 2(3) of Environmental Impact Assessment Directive – see the Annex to this Guidance Document on Other Relevant Guidance and Tools for full references). These databases help to speed up the preparation of environmental assessments. Frequently updated databases will also facilitate transboundary consultations and the linkages between strategic and Project level environmental assessments. Practitioners should always first check what institutions are already in place, and what data are already available, before starting data collection for the Baseline scenario. In addition, Article 5(4) of the EIA Directive requires Member States to, if necessary, ensure that any authorities holding relevant information make this information available to the Developer. This means the Developer should be able to easily obtain relevant information from the different relevant authorities and to obtain guidance to that effect from the Competent Authority.

Some typical sources of information used for collecting data in Scoping are listed below.

- National/regional databases of previous EIAs;
- Data collected under other EU legislation (especially the SEA Directive and the INSPIRE Directive);
- EU level and other international databases (see the table below);
- Local level/community experts; and
- Primary research carried out by competent experts.

Box 29: Examples of supra-national level environmental databases

General datasets

- European Commission – Eurostat database;
- European Environment Agency (including national emissions, water, land cover, etc.);
- European Environment Information and Observation Network (EIONET);
- Copernicus (previously Global Monitoring for Environment and Security);
- Infrastructure for Spatial Information in the European Community (INSPIRE);
- United Nations Environmental Data Explorer.

Biodiversity and climate change datasets

- Biodiversity Information System for Europe (BISE);

- Global Biodiversity Information Facility (GBIF);
- Natura 2000 Network Viewer;
- Reporting under Habitats Directive, and Birds Directive
- Common Database on Nationally Designated Areas (CDDA) managed by the European Environment Agency
- Ecosystem assessments (MAES)
- Group on Earth Observations Biodiversity Observation Network (GEO BON);
- EuMon (species and habitats of Community interest);
- IPCC Data Distribution Centre.

Water & Marine datasets

- Water Information System for Europe (WISE);
- European Marine Observation and Data Network (EMODNET);
- Environmental Marine Information System (EMIS);
- European Atlas of the Seas.

Chemicals and industrial datasets

- Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH);
- Major Accident Reporting System (MARS);
- Community Documentation Centre on Industrial Risk (CDCIR);
- European Pollutant Release and Transfer Register (ePRTR).

4.1.4 Step 4d – Monitoring Measures

Monitoring Measures are to be proposed in the EIA Report and can be put in place to monitor the development of the Project, including the environmental effects identified, ensuring the implementation of Mitigation Measures or identifying previously unidentified adverse effects. Monitoring Measures are obligatory for Projects for which the EIA has identified significant environmental effects.

Monitoring Measures might be considered during Scoping, given that practitioners need to ensure that the scope of the EIA Report is sufficiently wide to develop Monitoring Measures. Monitoring Measures may be developed directly for the Project in question, or may arise from other requirements – EU or national legislation governing the operation of a Project, funding requirements or other sources. It is important – and a requirement of the Directive – that there is no duplication or inconsistency in terms of the effort exerted in monitoring. For more information on developing Monitoring Measures, please refer to this series' Guidance Document on the Preparation of the EIA Report.

Below are some practical suggestions that Developers and practitioners can take into account when designing Monitoring Measures and which can already be considered during Scoping:

- Monitoring Measures should be sufficiently detailed to allow for proper implementation – the parameters, frequency, methods, responsibilities, and resources should be identified in advance.
- Authorities issuing the Development Consent should be satisfied that monitoring results will be evaluated by relevant authorities, naming such authority if relevant (this could be done via random inspection). Rather than carrying out monitoring for each Project individually, measures could be coordinated at a higher level (depending on the Projects this may take place in a variety of different fora such as municipal plans, via an SEA, or more informally). This could involve developing a database to reduce the time spent on extensive field surveys and to facilitate future environmental assessments for similar Projects. Such a database would also be closely linked to monitoring results from ongoing Projects.
- To the extent that it is reasonable, Monitoring Measures should have the capacity to identify any unforeseeable adverse effects, meaning they should take the state of the affected environment as well as the specific impacts (e.g. emissions, resource use) generated by the Project into account.
- The results of the monitoring should be made available to the competent authorities and to the public.

4.2 STEP 4: IN A NUTSHELL

- In case where Scoping is required by national legislation or the Developer has requested a Scoping Opinion, the Directive establishes that the EIA Report must follow the indications of the Scoping Opinion.
- There are no formal requirements regarding the content of the Scoping Opinion or Report in the Directive. However, in principle, it should define the EIA Report's Terms of Reference and the level of detail of the information necessary for the assessment as well as giving an indication, as well as providing an estimate of the time needed to prepare the EIA Report, and its possible length.
- Scoping is primarily focused on identifying the most important impacts to be assessed, but it may also address other additional matters in a preliminary way; these include: the types of Alternatives that ought to be considered; the methods used to predict the magnitude of environmental effects; the criteria against which the significance of effects should be evaluated; and the types of mitigation and Monitoring Measures to be considered.

PART C – SCOPING CHECKLIST

QUESTIONS ON PROJECT CHARACTERISTICS

No.	Questions to be considered in Scoping	Yes/No/?	Which characteristics of the Project Environment could be affected and how?	Is the effect likely to be significant? Why?
1. Will construction, operation or decommissioning of the Project involve actions that will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?				
1.1	Permanent or temporary change in land use, landscape, landcover or topography including increases in intensity of land use? Visual effects?			
1.2	Clearance of existing land, vegetation and buildings?			
1.3	Creation of new land uses?			
1.4	Pre-construction investigations e.g. boreholes, soil testing?			
1.5	Construction works?			
1.6	Demolition works?			
1.7	Temporary sites used for construction works or the housing of construction workers?			
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations?			
1.9	Underground works including mining or tunnelling?			
1.10	Reclamation works?			
1.11	Dredging?			
1.12	Coastal structures e.g. seawalls, piers?			
1.13	Offshore structures?			
1.14	Production and manufacturing processes?			
1.15	Facilities for the storage of goods or materials?			
1.16	Facilities for treatment or disposal of solid wastes or liquid effluents?			
1.17	Facilities for the long-term housing of operational workers?			
1.18	New road, rail or sea traffic during construction or operation?			

No.	Questions to be considered in Scoping	Yes/No/?	Which characteristics of the Project Environment could be affected and how?	Is the effect likely to be significant? Why?
1.19	New road, rail, air, waterborne or other transport infrastructure including new or altered routes and stations, ports, airports, etc.?			
1.20	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?			
1.21	New or diverted transmission lines or pipelines?			
1.22	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?			
1.23	Stream crossings?			
1.24	Abstraction or transfer of water from ground or surface waters?			
1.25	Changes in waterbodies or the land surface affecting drainage or run-off?			
1.26	Transport of personnel or materials for construction, operation or decommissioning?			
1.27	Long term dismantling, decommissioning or restoration works?			
1.28	Ongoing activity during decommissioning which could have an impact on the environment?			
1.29	Influx of people to an area, either temporarily or permanently?			
1.30	Introduction of alien species?			
1.31	Loss of native species or genetic diversity?			
1.32	Loss of biodiversity-rich / protected areas?			
1.33	Any other actions?			
2. Will construction or operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or are in short supply?				
2.1	Land, especially undeveloped or agricultural land?			
2.2	Water?			
2.3	Minerals?			
2.4	Aggregates?			

No.	Questions to be considered in Scoping	Yes/No/?	Which characteristics of the Project Environment could be affected and how?	Is the effect likely to be significant? Why?
2.5	Forests and timber?			
2.6	Energy including electricity and fuels?			
2.7	Any other resources?			
3. Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?				
3.1	Will the Project involve the use of substances or materials that are hazardous or toxic to human health or the environment (flora, fauna, water supplies)?			
3.2	Will the Project result in changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)?			
3.3	Will the Project affect the welfare of people e.g. by changing living conditions?			
3.4	Are there especially vulnerable groups of people who could be affected by the Project, e.g. hospital patients, the elderly?			
3.5	Any other causes?			
4. Will the Project produce solid wastes during construction or operation or decommissioning?				
4.1	Spoil, overburden or mine wastes?			
4.2	Municipal waste (household and/or commercial wastes)?			
4.3	Hazardous or toxic wastes (including radioactive wastes)?			
4.4	Other industrial process wastes?			
4.5	Surplus product?			
4.6	Sewage sludge or other sludges from effluent treatment?			
4.7	Construction or demolition wastes?			
4.8	Redundant machinery or equipment?			
4.9	Contaminated soils or other material?			
4.10	Agricultural wastes?			
4.11	Any other solid wastes?			
5. Will the Project release pollutants or any hazardous, toxic or noxious substances into the air?				

No.	Questions to be considered in Scoping	Yes/No/?	Which characteristics of the Project Environment could be affected and how?	Is the effect likely to be significant? Why?
5.1	Emissions from the combustion of fossil fuels from stationary or mobile sources?			
5.2	Emissions from production processes?			
5.3	Emissions from materials handling including storage or transport?			
5.4	Emissions from construction activities including plant and equipment?			
5.5	Dust or odours from the handling of materials including construction materials, sewage, and waste?			
5.6	Emissions from the incineration of waste?			
5.7	Emissions from burning of waste in open air (e.g. slash material, construction debris)?			
5.8	Emissions from any other sources?			
6. Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?				
6.1	From operation of equipment, e.g. engines, ventilation plant, crushers?			
6.2	From industrial or similar processes?			
6.3	From construction or demolition?			
6.4	From blasting or piling?			
6.5	From construction or operational traffic?			
6.6	From lighting or cooling systems?			
6.7	From sources of electromagnetic radiation (consider effects on nearby sensitive equipment as well as people)?			
6.8	From any other sources?			
7. Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into sewers, surface waters, groundwater, coastal waters or the sea?				
7.1	From handling, storage, use or spillage of hazardous or toxic materials?			
7.2	From discharge of sewage or other effluents (whether treated or untreated) to water or the land?			
7.3	By deposition of pollutants emitted to air, onto the land or into water?			

No.	Questions to be considered in Scoping	Yes/No/?	Which characteristics of the Project Environment could be affected and how?	Is the effect likely to be significant? Why?
7.4	From any other sources?			
7.5	Is there a risk of the long-term build-up of pollutants in the environment from these sources?			
8. Will there be any risk of accidents during construction or operation of the Project that could affect human health or the environment?				
8.1	From explosions, spillages, fires, etc. from storage, handling, use or production of hazardous or toxic substances?			
8.2	From events beyond the limits of normal environmental protection e.g. failure of pollution control systems?			
8.3	From any other causes?			
8.4	Could the Project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslip, etc.)?			
9. Will the Project result in social changes/impacts on the population, for example, in demography, traditional lifestyles, employment?				
9.1	Changes in population size, age, structure, social groups etc.?			
9.2	By resettlement of people or demolition of homes or communities or community facilities, e.g. schools, hospitals, social facilities?			
9.3	Through in-migration of new residents or creation of new communities?			
9.4	By placing increased demands on local facilities or services, e.g. housing, education, health?			
9.5	By creating jobs during construction or operation or causing the loss of jobs with effects on unemployment and the economy?			
9.6	Any other causes?			
10. Are there any other factors that should be considered such as consequential development which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality?				
10.1	Will the Project lead to pressure on consequential development and that could have significant impact on the environment e.g. more housing, new roads, new supporting industries or utilities, etc.?			

No.	Questions to be considered in Scoping	Yes/No/?	Which characteristics of the Project Environment could be affected and how?	Is the effect likely to be significant? Why?
10.2	Will the Project lead to development of supporting facilities, ancillary development or development stimulated by the Project which could have an impact on the environment? e.g.: • supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other?			
10.3	Will the Project lead to the after-use of the site which could, in turn, have an impact on the environment?			
10.4	Will the Project set a precedent for later developments?			
10.5	Will the Project have cumulative effects, due to its proximity to other existing or planned Projects with similar effects?			

CHARACTERISTICS OF THE PROJECT ENVIRONMENT

For each Project characteristic identified in Part 1 consider whether any of the following environmental components could be affected.

Question - Are there features of the local environment on or around the Project location which could be affected by the Project?
• Areas which are protected under international or EU, national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the Project?
• Other areas which are important or sensitive for reasons of their ecology e.g.
  • Wetlands,
  • Watercourses or other waterbodies,
  • the coastal zone,
  • mountains,
  • forests or woodlands
• Areas used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the Project?
• Inland, coastal, marine or underground waters?
• Areas or features of high landscape or scenic value?
• Routes or facilities used by the public for access to recreation or other facilities?
• Transport routes which are susceptible to congestion or which cause environmental problems?
• Areas or features of historic or cultural importance?

Question - Is the Project in a location where it is likely to be highly visible to many people?
Question - Is the Project located in a previously undeveloped area where there will be loss of greenfield land?
Question - Are there existing land uses on or around the Project location which could be affected by the Project? For example: • Homes, gardens, other private property, • Industry, • Commerce, • Recreation, • public open space, • community facilities, • agriculture, • forestry, • tourism, • mining or quarrying
Question - Are there any plans for future land uses on or around the location which could be affected by the Project?
Question - Are there any areas on or around the location which are densely populated or built-up, which could be affected by the Project?
Question - Are there any areas on or around the location which are occupied by sensitive land uses which could be affected by the Project? • hospitals, • schools, • places of worship, • community facilities
Question - Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the Project? For example: • groundwater resources, • surface waters, • forestry, • agriculture, • fisheries, • tourism, • minerals.
Question - Are there any areas on or around the location of the Project which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the Project?

Question - Is the Project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the Project to present environmental problems?
Question - Is the Project likely to affect the physical condition of any environmental media? • The atmospheric environment including microclimate and local and larger scale climatic conditions? • Water – e.g. quantities, flows or levels of rivers, lakes, groundwater. Estuaries, coastal waters or the sea? • Soils – e.g. quantities, depths, humidity, stability or erodibility of soils? • Geological and ground conditions?
Question - Are releases from the Project likely to have effects on the quality of any environmental media? • Air quality? • Climate change and ozone depletion? • Water quality – rivers, lakes, groundwater. Estuaries, coastal waters or the sea? • Nutrient status and eutrophication of waters? • Acidification of soils or waters? • Soils? • Landscape? • Noise? • Temperature, light or electromagnetic radiation including electrical interference? • Productivity of natural or agricultural systems?
Question - Is the Project likely to affect the availability or scarcity of any resources either locally or globally? • Fossil fuels? • Water? • Minerals and aggregates? • Timber? • Other non-renewable resources? • Infrastructure capacity in the locality - water, sewerage, power generation and transmission, telecommunications, waste disposal roads, rail?
Question - Is the Project likely to affect human or community health or welfare? • The quality or toxicity of air, water, foodstuffs and other products consumed by humans? • Morbidity or mortality of individuals, communities or populations by exposure to pollution? • Occurrence or distribution of disease vectors including insects? • Vulnerability of individuals, communities or populations to disease? • Individuals' sense of personal security? • Community cohesion and identity? • Cultural identity and associations? • Minority rights? • Housing conditions? • Employment and quality of employment? • Economic conditions? • Social institutions?

ANNEXES

ANNEX I – LINKS WITH OTHER EU INSTRUMENTS

The EIA Directive is just one of many pieces of EU legislation in place that affect environmental and Project planning. This poses the risk of duplication of assessments and procedures, and offers various possibilities for synergy. Under the principle of Better Regulation, whereby EU policies and laws should be designed and implemented so that they achieve their objectives at minimum cost[3], efforts are underway to 'streamline' these different assessments and procedures where possible. It is important to bear in mind that 'streamlining' in this context means improving and better coordinating environmental assessment procedures with a view to reducing unnecessary administrative burdens, create synergies and hence speed up the environmental assessment process, whilst at the same time ensuring a maximum level of environmental protection through comprehensive environmental assessments.

Streamlining measures can, therefore, be found in the EIA Directive:

- **Joint or coordinated procedures (Article 2(3) of the EIA Directive)**

Article 2(3) of the EIA Directive requires Member States to set up coordinated or joint procedures when an assessment is required, both under the EIA Directive and the Habitats Directive (see below). Moreover, Member States have the possibility to apply these joint or coordinated procedures to other environmental assessments stemming from EU legislation, in particular under the Water Framework Directive and the Industrial Emissions Directive. See below for more specific information on interactions with these pieces of legislation. Practitioners are advised to check their national legislation to see when and how coordination is required.

- **Consideration of other assessments (Article 4(4), Article 5(1) of the EIA Directive)**

Article 4(4) of the EIA Directive relating to the Screening stage of the EIA process, as well as Article 5(1) of the EIA Directive on the preparation of the EIA Report, requires practitioners to take the available results of other relevant assessments under other EU and national legislation into account.

- **Other relevant information held by authorities (Article 5(4) of the EIA Directive)**

In order to strengthen the availability of data, Article 5(4) of the EIA Directive requires any authorities holding relevant information to make it available to the Developers of Projects subject to EIA.

This section introduces the main pieces of EU legislation relevant for streamlining with EIA. Practitioners should always check whether their Project falls under other EU legislation, and their respective national transposing measures, and be aware that there are various other guidance documents issued at EU and national level to help practitioners untangle legislative complexities. Some of these EU guidance documents are referred to in the relevant sections under Part B of the EIA guidance documents and are also listed below as well as in another Annex to this Guidance Document on Other Relevant Guidance Documents.

The legislation covered in this section is by no means an exhaustive list, but the legislation with the most significance include the following (formal names are introduced below):

- SEA Directive;
- Birds and Habitats Directives;
- Water Framework Directive;
- Marine Strategy Framework Directive;
- Ambient Air Quality Directive and Heavy Metals in the Ambient Air Directive;
- Waste Framework Directive;

[3] European Commission Staff Working Document, *Better Regulation Guidelines*, SWD (2015) 111 final.

- Industrial Emissions Directive;
- Trans-European networks: TEN-E, TEN-T and TEN-TEC Regulations;
- Aarhus and ESPOO conventions (including Directive 2003/4/EC and 2003/35/EC).

SEA DIRECTIVE

Name used	Formal name
Strategic Environmental Assessment (SEA) Directive	■ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
Relevant EU guidance:	■ Commission guidance document on Streamlining environmental assessments conducted under Article 2(3) of the EIA Directive; ■ Commission guidance document on the implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment; ■ Commission guidance on Streamlining environmental assessment procedures for energy infrastructure Projects of Common Interest (PCIs).

The SEA Directive concerns the Strategic Environmental Assessment, which is carried out on certain plans and programmes. In many cases, an SEA of a relevant plan or programme underpinning a proposed Project will have been carried out prior to the EIA. Article 3(2) of the SEA Directive requires an SEA to be undertaken if the plan or programme 'sets the framework' for a Project listed in Annexes I and II to the EIA Directive.

Opportunities for synergy

The SEA and EIA are similar procedures, despite the former being carried out on plans and programmes and the latter involving Projects. Both assessments can be summarised as follows: an environmental report is prepared in which the likely significant effects (of plans, programmes or Projects) on the environment and the reasonable alternatives are identified; the environmental authorities and the public (and affected Member States) must be informed and consulted; the Competent Authority decides, taking the results of consultations into consideration. The public is informed of the decision afterwards. While the scope of the two assessments usually differs, very often much of the work carried out under the SEA can be built upon for the EIA. Alternatives identified during the SEA may be relevant for the EIA, some of the data gathered under the SEA may be used to form the baseline of the EIA. Practitioners carrying out the EIA should consult the SEA report done for any relevant plans or programmes with a view of avoiding the duplication of work.

The Guidance document on Streamlining environmental assessments for energy infrastructure Projects of Common Interest (PCIs) (see the Annex to this Guidance Document on Other Relevant Guidance and Tools) provides guidance on how to take advantage of synergies between the SEA and EIA procedures. In addition, various guidance documents exist at national level.

Joint/coordinated procedures

Joint or coordinated procedures are not directly provided for by the provisions of the EIA and SEA Directives, given that one relates to projects (Article 2(3) of the EIA Directive) and the other to plans/programmes (Article 11(2) of the SEA Directive); moreover, each procedure must be carried out on its own merits (Article 11(1) of the SEA Directive). The CJEU has indeed held that an assessment undertaken within the framework of the EIA Directive does not dispense with the requirement to carry out an assessment under the SEA Directive (cf. C-295/10, *Valčiukienė and Others*, para 55-63). However, in some cases a plan/programme, and the subsequent project development, can be subjected to an integrated assessment procedure: Member States are free to set up such mechanisms, as long as all of the requirements of both Directives are fulfilled. In this perspective, the CJEU also held, in the same decision, that a joint procedure may take place in which the requirements under both Directives

are covered by a single environmental assessment procedure (cf. C-295/10, *Valčiukienė and Others*, para 55-63).

BIRDS AND HABITATS DIRECTIVES

Name used	Formal name
Habitats Directive	■ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna
Birds Directive	■ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds
Relevant EU guidance:	■ Commission guidance document on Streamlining environmental assessments conducted under Article 2(3) of the EIA Directive; ■ Commission guidance on Streamlining environmental assessment procedures for energy infrastructure Projects of Common Interest (PCIs) ■ Commission guidance on Managing Natura 2000 sites: the provisions of Art. 6 of Directive 92/43/EEC ■ Manual of European Union Habitats - EUR28.

The Habitats Directive, along with the Birds Directives (Directive 2009/147/EC), aim to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the EU Members States. Together, these Directives set up a coherent network of sites (the Natura 2000 Network) hosting habitats and/or species that should be maintained or restored at favourable conservation status according to the terms of the Directives. Any plan or Project likely to have a significant effect on a site within the Natura 2000 site is subject to an Appropriate Assessment (AA) of the implications for the site in view of the site's conservation objectives (Habitats Directive, Article 6(3)). The AA decision is binding and determines whether a plan or Project may proceed, subject to specific provisions set out in Article. 6(4).

Opportunities for synergy
The scope of the AA and the EIA is different – the EIA should consider all significant environmental effects, while the AA focuses on the conservation objectives and the integrity of the Natura 2000 site in question; however, as with the SEA detailed above, some of the information collected for one assessment can be used for the other.

The likelihood of significant impacts on a Natura 2000 sites in accordance with Article 6(3) of the Habitats Directive may be central to Scoping under the EIA Directive. In many instances, where an AA is required for a proposed Project under the Habitats Directive, then the determination of the likely significant impacts in the Scoping stage will be guided as the content and extent of the information to be provided by the EIA Report must cover the impacts to the protected area.

Joint/coordinated procedures
Article 2(3) of the EIA Directive stipulates that when Projects have to be assessed under both the EIA and the Birds or Habitats Directives, Member States *shall, where appropriate*, ensure that coordinated and/or joint procedures are provided for. This differs from instances in which Projects also have to be assessed under other EU legislation, where Member States *may* provide for coordinated and/or joint procedures. The EIA Directive makes several references to the Habitats Directive, for example, when identifying significant impacts of a Project, particular attention must be paid to species and habitats protected by the Birds and the Habitats Directives. The EU has issued a guidance document to assist practitioners in the extent to which the results from an AA assessment is taken into account in an EIA Procedure (see the Guidance document on streamlining environmental assessments conducted under Article 2(3) of the EIA Directive, full references in the Annex to this Guidance Document on Other Relevant Guidance and Tools).

Given that Article 2(3) of the EIA Directive calls for a joint or coordinated procedure between EIA and the Habitats Directive, Scoping under the EIA Directive should largely benefit from the Screening requirement under Article 6(3) of the Habitats Directive. In practice, the information gathered under Screening for the Habitats Directive should, as a minimum, be coordinated thereby allowing for the transfer of knowledge/results from the Screening under the Habitats Directive to inform Scoping under the EIA Directive.

WATER FRAMEWORK DIRECTIVE

Name used	Formal name
WFD	■ Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy
Relevant EU guidance:	■ Commission guidance document on Streamlining environmental assessments conducted under Article 2(3) of the EIA Directive ■ Commission guidance on Streamlining environmental assessment procedures for energy infrastructure Projects of Common Interest (PCIs) ■ Common Implementation Strategy for the WFD: Guidance document no 7 Monitoring under the Water Framework Directive ■ Common Implementation Strategy for the WFD: Guidance document no 20 Exemptions to the Environmental Objectives

The WFD establishes a framework for the protection of inland surface waters, transitional waters, coastal waters, and groundwater. Under this Directive, River Basin Management Plans (RBMP) are established and updated every 6 years to coordinate and implement water status-related measures within each river basin. RBMPs must address the objectives set out by the WFD, and must include an analysis of the river basin's key characteristics, a pressures assessment, review of the impact of human activity on the status of water and measures to meet the Directive's objective of 'good status' for all waters.

Projects that may lead to failure of achieving good status of water bodies or lead to deterioration of quality elements need to be assessed and if possible, a more environmentally friendly alternative should be found. If no alternative can be found, then the Project can only go ahead when it can demonstrate that first all practicable Mitigation Measures are taken to reduce the impact. Secondly, it must also be demonstrated that the reasons for deterioration are of overriding public interest or that the Project's benefits otherwise outweigh failure to achieve the relevant environmental objectives (cf. conditions set out in Article 4(7) of the WFD. The process of identifying and assessing such impacts may be carried out jointly with the EIA procedure. However, the requirement of Article 4(7) of the WFD goes beyond the requirements of the EIA Directive in the sense that it covers activities that may not be listed in Annex I or II to the EIA Directive.

Opportunities for synergy

The WFD ensures that detailed environmental data are collected for water as part of the planning process of the RBMP. Hence, synergies can be gained for part of an EIA through data collection and the required assessments of effects on water bodies according to Article 4(7) of the WFD. As discussed above, if a Project listed in Annex I or II to the EIA Directive is found to impact the status of a water body as set out in the relevant RBMP, further assessment will be required to develop and review alternatives and possibly justify reasons of overriding public interest in line with the requirements of the Water Framework Directive. This may influence the scope and nature of an EIA Report in the sense that it must incorporate an assessment of the likely impacts of the Project on the objectives adopted for the water body in question.

Joint/coordinated procedure
Article 2(3) of the EIA Directive provides the option for joint or coordinated procedures where Projects also have to be assessed under other EU legislation, but it is not a requirement.

MARINE STRATEGY FRAMEWORK DIRECTIVE

Name used	Formal name
MSFD	■ Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)
Relevant EU guidance:	■ Commission Final report on MSFD and licencing and permitting

The Marine Strategy Framework Directive (MFSD) establishes a framework to assess and implement good environmental status of the EU's marine waters by 2020. In doing so, the MSFD takes an ecosystem and integrated approach whereby environmental protection and sustainable use go hand in hand to prevent depletion of natural resources upon which marine-related economic and social activities are based.

Opportunities for synergy
The MSFD ensures that an environmental baseline for the marine waters are established. On the basis of this assessment and baseline, measures must be adopted and gradually implemented to ensure that good environmental status is achieved within a specified number of years. Unlike the WFD, there is no independent requirement in the MSFD to assess activities. However, the objectives and measures adopted in Member States may influence the scope and nature of an EIA Report in the sense that it must incorporate an assessment of the likely impacts of the Project on the objectives adopted for the marine water body in question.

Joint/coordinated procedure
Article 2(3) of the EIA Directive provides the option for joint or coordinated procedures where Projects also have to be assessed under other EU legislation, but it is not a requirement.

AMBIENT AIR QUALITY DIRECTIVE AND HEAVY METALS IN THE AMBIENT AIR DIRECTIVE

Name used	Formal name
AQD	■ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe
HMAQD	■ Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air
Relevant EU guidance:	N/A

The AQD establishes a framework for the active monitoring of ambient air and the removing of pollutants. The Directive establishes different air quality objectives (limit values, target values, critical levels and alert threshold) in relation to a wide range of pollutants (sulphur dioxide, nitrogen, dioxide, particulate matter, lead, benzene, carbon monoxide). It requires air quality plans when limit or target values are not complied with as well as short-term action plan when alert thresholds are exceeded. In addition, the Directive obliges Member States to keep the public informed and sets out requirements for the assessment of air quality (e.g., the monitoring network). In addition, the HMAQD sets limit values for the air pollutants arsenic, cadmium, nickel and benzo(a)pyrene.

Opportunities for synergy
During Scoping, Competent Authorities should bear in mind that existing air quality objectives as well as plans and programmes may assist to determine significant effects and refine the Scoping outputs by requesting that the Developer provides assurances with regards to pollutants emitted and possible remedial action that fit any existing air quality plans and short-term action plans.

WASTE FRAMEWORK DIRECTIVE

Name used	Formal name
WasteFD	■ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives
Relevant EU guidance:	■ Application of EIA Directive to the rehabilitation of landfills.

The WasteFD establishes a legal framework for the management and treatment of most waste types. The Directive sets out a waste hierarchy that ranges from prevention to disposal. Waste management under the Directive must be implemented without endangering human health and without harming the environment (e.g. without risk to water, air, biodiversity, and without causing nuisance). It also sets out rules for extended producer responsibility, effectively adding to the burdens of manufacturers to manage products returned after use.

Opportunities for synergy
The WasteFD requires the adoption and implementation of Waste Management Plans and Waste Prevention Programmes at the national and local levels. These plans and programmes should analyse the current situation with regards to waste treatment, as well as identify the measures needed to carry out waste management in the context of the WasteFD's objectives. This includes existing and planned waste management installations, which are likely to constitute Projects subject to the EIA Directive. As waste installations should be provided for under Waste Management Plans, they are also subject to the requirements of the SEA Directive (see above).

The EIA Directive may also bear relevance for any Project with regard to the waste produced not only during the construction and operation of the Project, but also, in particular, with regard to the decommissioning and/or rehabilitation of the site.

During Scoping, competent authorities can suggest the analysis of certain Alternatives depending on the waste produced, Mitigation Measures in this regard, as well as the extended producer responsibility.

INDUSTRIAL EMISSIONS DIRECTIVE

Name used	Formal name
IED	■ Directive 2010/75/EU of the European Parliament and the Council on industrial emissions
Relevant EU guidance:	■ Guidance under Article 13(3)(c) and (d) of the IED; ■ Commission Communication on the elaboration of baseline reports under Article 22(2) of the IED.

The IED is the main EU instrument regulating pollutant emissions from industrial installations. Around 50,000 Projects undertaking the industrial activities listed in Annex I to the IED are required to operate in accordance with a permit, which should contain conditions set in accordance with the principles and provisions of the IED. As indicated in the Commission Guidance document on

'Interpretation of definitions of Project categories of Annex I and II to the EIA Directive' (see the Annex to this Guidance Document on Other Relevant Guidance and Tools): the EIA Directive and the Industrial Emissions Directive (IED) sometimes relate to the same type of activities. However, it is important to be aware of the differences that exist between the objective, the scope, classification systems, and thresholds of these two directives.

Opportunities for synergy
IED permits must take the whole environmental performance of the industrial plant into account, including emissions to air, water, and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and the restoration of the site upon closure. Such an exercise aligns closely with the EIA Directive and 'Member States have discretion to use the thresholds set by Annex I to the IED in the context of the EIA Directive' (Commission Guidance Document, Interpretation of definitions of Project categories of Annex I and II to the EIA Directive, see the Annex to this Guidance Document on Other Relevant Guidance and Tools).

In addition, permits issued under the IED are to be reconsidered periodically to ensure compliance. While monitoring carried out under the IED will likely not cover all environmental aspects to be considered, the IED does require specific monitoring, part of which can be used for the EIA. The approach to monitoring for the IED can also be adopted and broadened to cover other aspects outlined in EIA monitoring proposals.

Joint/coordinated procedure
Article 2(3) of the EIA Directive provides the option for joint or coordinated procedures where Projects also have to be assessed under other EU legislation, but it is not a requirement.

SEVESO DIRECTIVE

Name used	Formal name
Seveso Directive	Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances
Relevant EU guidance:	Commission guidance document on Streamlining environmental assessments conducted under Article 2(3) of the EIA Directive Guidance tools are collected on the Minerva portal at: https://minerva.jrc.ec.europa.eu/en/minerva

The Seveso Directive was adopted in response to the industrial accident releasing hazardous chemicals in the Italian city of Seveso in 1976. The Directive has since been revised several times. The aim of the Seveso Directive is to prevent and, in case they occur, limit major accidents involving dangerous substances. It applies to establishments where dangerous substances may be present in quantities above a certain threshold. Certain industrial activities covered by other EU legislation are excluded from the Seveso Directive (e.g. nuclear establishments or the transport of dangerous substances).

The Seveso Directive takes a tiered approach to requiring safety measures at facilities based on the volumes of dangerous substances present at facilities. Seveso sites are categorised as lower-tier Seveso establishments or upper-tier Seveso establishments. Operators of lower-tier Seveso establishments have to notify the competent authority, design a major-accident prevention policy (MAPP), draw up accident reports and take into account land-use planning. In addition to these requirements, operators of upper-tier Seveso establishment must establish a safety report, implement a safety management system, define an internal emergency plan and provide the competent authorities with all necessary information. Furthermore, authorities are required inter alia to produce external emergency plans for upper tier establishments, deploy land-use planning for the siting of establishments, make relevant information publically available, ensure that any necessary action is taken after an accident including emergency measures, and conduct inspections.

Opportunities for synergy
The Seveso Directive is highly relevant to a number of assessments under the EIA Directive such as for instance impacts related to risks of major accidents and disasters, Mitigation, and climate change adaptation. In addition, in light of the risk presented by establishments covered by the Seveso Directive, rules on permitting as well as regarding governance come into play, and as such the Seveso Directive is often directly linked to other legislation listed in this Annex, such as the IED and Aarhus convention. The Seveso Directive in this regard ensures that detailed information on installations are collected and employed in both land-use planning as well as in contingency planning. Synergies with EIA can be gained for a part of the EIA report containing the design of installations and the assessment of risk hazards that relates to the chosen design. The Seveso Directive can also be of use for the Screening, Scoping and Preparation of the EIA Report stages in relation to: quantitative thresholds for the assessment of significance, rules of public information in relation to governance, and finally the rules on Monitoring.

Joint/coordinated procedure
Article 2(3) of the EIA Directive provides the option for joint or coordinated procedures where Projects also have to be assessed under other EU legislation, but it is not a requirement.

TRANS-EUROPEAN NETWORKS IN TRANSPORT, ENERGY AND TELECOMMUNICATION

Name used	Formal name
TEN-T Regulation: Trans-European Transport Network	■ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network
TEN-TEC Regulation: Trans-European Telecommunication Network	■ Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure.
TEN-E Regulation Trans-European Energy Network (PCI regulation)	■ Regulation (EU) No 347/2013 Of The European Parliament and of The Council ■ of 17 April 2013 on guidelines for trans-European energy infrastructure.
Connecting Europe Facility: financing for TENs	■ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility.
Relevant EU guidance:	■ Commission guidance on Streamlining environmental assessment procedures for energy infrastructure Projects of Common Interest (PCIs).

The Trans-European Networks consists of lists of key transport, energy and telecommunications infrastructure Projects, known as Projects of common interest (PCIs). These Projects are designed to complete the European internal market and by interconnecting national infrastructure networks and ensuring their interoperability, thereby fulfilling e.g. the EU's energy policy objectives of affordable, secure and sustainable energy.

Under the TEN-E regulation for the energy sector, PCIs can benefit from accelerated planning and permit granting, due to streamlined environmental assessment processes.

AARHUS AND ESPOO CONVENTIONS

Name used	Formal name
Aarhus Convention	■ United National Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.
Espoo Convention	■ United National Economic Commission for Europe Convention on Environmental Impact

	Assessment in a Transboundary context.
	■ Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information and repealing Council Directive 90/313/EEC.
	■ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regards to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC - Statement by the Commission.
Relevant EU guidance:	■ Guidance on the Application of the Environmental Impact Assessment Procedure for Large-scale Transboundary Projects; ■ Guidance document for member States' reporting under Article 9 of Directive 2003/4.

The Aarhus Convention establishes a number of rights of the public, both individuals and their associations, with regard to the environment. These rights are commonly depicted under the three pillars of access to environmental information, public participation in decision-making, and access to justice in environmental affairs. Parties to the Convention are required to make the necessary provisions so that public authorities will contribute to these rights to become effective. All EU Member States, as well as the EU itself, are parties to the Convention. The first two pillars are also part of EU law via Directives 2003/4/EC and 2003/35/EC, in addition a number of provisions in different EU instruments seek to implement these rights, such as the public participation and access to justice requirements under the EIA Directive, or the Access to Justice provisions under the IED Directive.

The Espoo Convention lays down the general obligation of States to notify and consult each other on all major Projects under consideration that are likely to have a significant adverse environmental impact across boundaries. Article 7 of the EIA Directive provides the legal basis for regulating Member States' rights and obligations in case of an EIA Procedure for a Project with transboundary impacts. Article 7(1) provides rights for the potentially affected Member States to be informed about e.g. a Screening procedure in another Member State. The affected Member State is to be informed at the latest by the time at which the public is informed in the Member State in which the Project is proposed for implementation.

Opportunities for synergy

The Aarhus Convention is the most comprehensive legal instrument relating to public involvement. By establishing rules on information and participation of the public, the Aarhus Convention has led to decisions setting precedents (e.g. on timeframes for informing the public), which can assist in the implementation of the EIA procedure. The main text indicates that public participation should be effective, adequate, formal, and provide for information, notification, dialogue, consideration, and response. Furthermore, just as the EIA Directive requires 'reasonable timeframes', so too does the Aarhus Convention. These may have an impact on the different stages discussed in the EIA Guidance Document series, for instance in relation to Scoping the EIA Directive establishes specific consultation requirements (see Step 3).

ANNEX II – OTHER RELEVANT GUIDANCE AND TOOLS

- A. Andrusevych, T. Alge, C. Konrad (eds), Case Law of the Aarhus Convention Compliance Committee 2004-2011, 2nd edition
  https://www.eufje.org/images/DocAarhus/Aarhus%20CC%20case-law.pdf
- Chartered Institute of Ecology and Environmental Management, Guidelines for ecological impact assessment in the UK and Ireland, Terrestrial, Freshwater, and Coastal, January 2016
  http://www.cieem.net/data/files/Publications/EcIA_Guidelines_Terrestrial_Freshwater_and_Coastal_Jan_2016.pdf
- Commission, Assessment of plans and projects significantly affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
  http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf
- Commission, Assessment of resource efficiency indicators and targets
  http://ec.europa.eu/environment/enveco/resource_efficiency/pdf/report.pdf
- Commission Communication on the elaboration of baseline reports under Article 22(2) of the IED (European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions)
  http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.136.01.0003.01.ENG
- Commission, DG Climate Action, Non-paper, Guidelines for Project Managers: Making vulnerable investments climate resilient
  http://climate-adapt.eea.europa.eu/metadata/guidances/non-paper-guidelines-for-project-managers-making-vulnerable-investments-climate-resilient
- Commission guidance document on Non-energy mineral extraction and Natura 2000
  http://ec.europa.eu/environment/nature/natura2000/management/docs/neei_n2000_guidance.pdf
- Commission guidance document for Member States' reporting under Article 9 of Directive 2003/4 (Guidance document on reporting about the experience gained in the application of directive 2003/4/ec concerning on public access to environmental information)
  http://ec.europa.eu/environment/aarhus/pdf/guidance_en.pdf
- Commission guidance document no 7. Monitoring under the Water Framework Directive
  https://circabc.europa.eu/sd/a/63f7715f-0f45-4955-b7cb-58ca305e42a8/Guidance%20No%207%20-%20Monitoring%20(WG%202.7).pdf
- Commission guidance document no 20. Exemptions to the Environmental Objectives
  https://circabc.europa.eu/sd/a/2a3ec00a-d0e6-405f-bf66-60e212555db1/Guidance_documentN%C2%B020_Mars09.pdf
- Commission guidance document on Inland waterway transport and Natura 2000, Sustainable inland waterway development and management in the context of the EU Birds and Habitats Directives
  http://ec.europa.eu/environment/nature/natura2000/management/docs/iwt_en.pdf
- Commission guidance on Aquaculture and Natura 2000, Sustainable aquaculture activities in the context of the Natura 2000 Network
  http://ec.europa.eu/environment/nature/natura2000/management/docs/Aqua-N2000%20guide.pdf
- Commission guidance on Managing Natura 2000 sites: the provisions of Article 6 of Directive 92/43/EEC
  http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm
- Commission guidance document on Streamlining environmental assessments conducted under Article 2(3) of the EIA Directive

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0727(01)

- Commission guidance on the application of the Environmental Impact Assessment Procedure for Large-scale Transboundary Projects
  http://ec.europa.eu/environment/eia/pdf/Transboundry%20EIA%20Guide.pdf
- Commission guidance on wind energy development in accordance with the Natura 2000
  http://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf
- Commission guidance document on the implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (Title: Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment)
  http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042
- Commission guidance on Streamlining environmental assessment procedures for energy infrastructure Projects of Common Interest (PCIs)
  http://ec.europa.eu/environment/eia/pdf/PCI_guidance.pdf
- Commission guidance under Article 13(3)(c) and (d) of the IED (Guidance document on the practical arrangements for the exchange of information under the Industrial Emissions Directive (2010/75/EU), including the collection of data, the drawing up of best available techniques reference documents and their quality assurance as referred to in Article 13(3)(c) and (d) of the Directive)
  https://circabc.europa.eu/sd/a/21de9052-ea90-45a3-a681-2614183a3e4a/BREF_guidance%20(final%20for%20Forum%2024%20Jun%2011).pdf
- Commission guidelines for the assessment of indirect and cumulative impacts as well as impact interactions
  http://ec.europa.eu/environment/archives/eia/eia-studies-and-reports/pdf/guidel.pdf
- Commission, interpretation manual of European Union habitats - EUR28
  http://ec.europa.eu/environment/nature/legislation/habitatsdirective/docs/Int_Manual_EU28.pdf
- Commission, Interpretation of definitions of Project categories of annex I and II to the EIA Directive
  http://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf
- Commission JRC Institute for Environment and Sustainability, Life cycle indicators framework: development of life cycle based macro-level monitoring indicators for resources, products and waste for the EU-27
  http://eplca.jrc.ec.europa.eu/uploads/LCindicators-framework.pdf
- Commission Services Non-Paper: Application of EIA Directive to the rehabilitation of landfills
  http://ec.europa.eu/environment/eia/pdf/eia_landfills.pdf
- Commission Services Non-Paper: Interpretation line suggested by the Commission as regards the application of Directive 85/337/EEC to associated/ancillary works
  http://ec.europa.eu/environment/eia/pdf/Note%20-%20Interpretation%20of%20Directive%2085-337-EEC.pdf
- Commission Support assessment tools, Tools developed to support the assessment of the marine environment under the MSFD
  http://mcc.jrc.ec.europa.eu/dev.py?N=18&O=355&titre_page=Support
- Commission Staff Working Document, Better Regulation Guidelines
  http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf
- European Environment Agency Land and Ecosystem Accounting - European Topic Centre Terrestrial Environment, LEAC methodological guidebook
  http://www.eea.europa.eu/themes/data-and-maps/data/land-cover-accounts-leac-based-on-corine-land-cover-changes-database-1990-2000/
- EMEC, Environmental impact assessment (EIA) guidance for developers at the European Marine Energy Centre
  http://hydropower.inl.gov/hydrokinetic_wave/pdfs/day3/4_final_emec_procedure.pdf

- European Investment Bank, Methodologies for the Assessment of Project GHG Emissions and Emission Variations
  http://www.eib.org/attachments/strategies/eib_project_carbon_footprint_methodologies_en.pdf
- Global Marine Environment Protection, Initiative
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